A GUIDE TO MALE-FEMALE INTERACTION IN ISLAM

الإختلاط بين الجنسين

DR. HATEM AL-HAJ

IIPH

العالمية للكتاب الإسلامي

بسم الله الرحمن الرحيم

IN THE NAME OF

ALLAH

THE ALL-COMPASSIONATE, ALL-MERCIFUL

A Guide to Male-Female Interaction in Islam

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Pronunciation and Transliteration Chart

[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]
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[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]

Arabic script	Pronunciation	Trans-literated form
ز	/z/ as in *zoo*, *easy* and *gaze*	z
س	/s/ as in *so*, *messy* and *grass*	s
ش	as in *ship*, *ashes* and *rush*	sh
ص	no close equivalent in English, but may be approximated by pronouncing it as /sw/ or /s/ farther back in the mouth	ṣ
ض	no close equivalent in English, but may be approximated by pronouncing it as /d/ farther back in the mouth	ḍ
ط	no close equivalent in English, but may be approximated by pronouncing it as /t/ farther back in the mouth	ṭ
ظ	no close equivalent in English, but may be approximated by pronouncing 'the' farther back in the mouth	dh
ع	no close equivalent in English: a guttural sound in the back of the throat	ʿ
غ	no close equivalent in English, but may be closely approximated by pronouncing it like the French /r/ in 'rouge'	gh
ف	/f/ as in *fill*, *effort* and *muff*	f
ق	no close equivalent in English, but may be approximated by pronouncing it as /k/ farther back in the mouth	q
ك	/k/ as in *king*, *buckle* and *tack*	k
ل	/l/ as in *lap*, *halo*; in the word Allah, it becomes velarized as in *ball*	l

Arabic script	Pronunciation	Trans-literated form
م	/m/ as in *men*, *simple* and *ram*	m
ن	/n/ as in *net*, *ant* and *can*	n
ـه - ه - هـ	/h/ as in *hat*; unlike /h/ in English, in Arabic /h/ is pronounced in medial and word-final positions as well	h
و	as in *wet* and *away*	w
و	long 'u', as in *boot* and *too*	oo
ي	as in *yard* and *mayo*	y
ي	long 'e', as in *eat*, *beef* and *see*	ee
ء	glottal stop: may be closely approximated by pronouncing it like 't' in the Cockney English pronunciation of *butter*: *bu'er*, or the stop sound in *uh-oh!*	(omitted in initial position)

Diphthongs

Arabic script	Pronunciation	Trans-literated form
أو، ـَو	long 'o', as in *owe*, *boat* and *go*	au, aw
أي، ـَي	long 'a', as in *aid*, *rain* and *say*	ay, ai, ei

Diacritical marks (tashkeel)

Name of mark	Pronunciation	Trans-literated form
ـَ fatḥah	very short 'a' or schwa (unstressed vowel)	a
ـِ kasrah	shorter version of ee or schwa (unstressed vowel)	i
ـُ dammah	shorter version of oo	u
ـّ shaddah	a doubled consonant is stressed in the word, and the length of the sound is also doubled	double letter
ـْ sukoon	no vowel sound between consonants or at the end of a word	absence of vowel

Arabic honorific symbols

(ﷻ)	*Subḥânahu wa Ta'âlâ*	The Exalted
(ﷺ)	*ṣalla Allâhu 'alayhi wa sallam*	Blessings and peace be upon him
(عليه السلام)	*'alayhi as-salâm*	May peace be upon him
(رضي الله عنه)	*raḍiya Allâhu 'anhu*	May Allah be pleased with him
(رضي الله عنها)	*raḍiya Allâhu 'anhâ*	May Allah be pleased with her
(رضي الله عنهما)	*raḍiya Allâhu 'anhumâ*	May Allah be pleased with both of them
(رضي الله عنهم)	*raḍiya Allâhu 'anhum*	May Allah be pleased with all of them
(رضي الله عنهن)	*raḍiya Allâhu 'anhunna*	May Allah be pleased with all of them (females only)

Hadith grade terms

Sound:	*ṣaḥeeḥ*
Reliable:	*ḥasan*
Weak:	*ḍa'eef*
Odd:	*ghareeb*
Authentic:	includes sound, reliable, or any grade in between
Acceptable:	*sakat 'anhu;* the grader of the hadith did not comment on it, meaning that he found nothing unacceptable in it

About the Word *'Lord'*

The word lord in English has several related meanings. The original meaning is 'master' or 'ruler', and in this sense it is often used to refer to human beings: 'the lord of the mansion' or 'Lord So-and-So' (in the United Kingdom, for example). The word *Lord* with a capital L is used in the lexicon of Islam to refer to the One and Only God — Allah. In Islam, there is no ambiguity about the meaning of this word. While it is true that one may occasionally use the word *lord* (whether capitalized or not) to refer to a human being, in Islamic discourse the reference of this term is always clear from the context. Whereas for Christians, Hindus and other polytheists, the word *Lord* with a capital L may refer to Allah, to Jesus or to some imagined deity, for Muslims, there can be no plurality of meaning. Allah alone is the Lord, and the Lord is Allah — not Jesus, not Rama, not any other being.

The Editor

The Islamic Viewpoint on Slavery

Slavery existed before the coming of Prophet Muhammad (ﷺ). Islam did not abolish slavery, though it put limits on it and made freeing slaves a highly virtuous act.

In Islam, there is only one way a person may become enslaved and that is by being a non-Muslim among people who have been captured after raising arms and fighting against the Muslim nation. When such people have been conquered, the Muslim ruler has the option of enslaving them or releasing them (with or without ransom), and he makes this decision based upon the best interests and safety of the state. The Prophet (ﷺ) strongly condemned any other means of enslaving a person. Thus, no person may become enslaved due to poverty, debt, kidnapping, committing a crime, voluntarily submitting to slavery, or any other means.

Islam encourages the freeing of slaves and has made the freeing of a slave a form of expiation for sins such as accidental manslaughter, the breaking of a vow, or voiding a fast by engaging in sexual intercourse. The freeing of slaves is also one of the categories upon which the zakâh funds should be spent *(Qur'an 9: 60)*. The Qur'an calls the freeing of a slave an act of righteousness that may be performed at any time:

﴿Righteous are those who believe in Allah, the Last Day, the angels, the scripture, and the prophets; and they give money, cheerfully, to the relatives, the orphans, the needy, the wayfarer, the beggars, and to free the slaves.﴾ *(Qur'an 2: 177)*

In regards to the treatment of slaves, the Prophet Muhammad (ﷺ) said:

«They are your brothers whom Allah has put under your authority, so if Allah has put a person's brother under his authority, let him feed him from what he eats and clothe him from what he wears, and let him not overburden him with work, and if he does overburden him with work, then let him help him.» (Bukhari)

«Whoever accuses his slave when he is innocent of what he says will be flogged on the Day of Resurrection.» (Bukhari)

«Whoever slaps his slave or beats him, his expiation is to manumit him.» (Muslim)

«If a man had a slave woman whom he fed — and fed her well, and taught her — and taught her well, then he set her free and married her — he will have a double reward.» (Bukhari and Muslim)

The male owner of a female slave has the right to have sexual intercourse with her as long as he, or the slave's previous owner, has not married her to another person. This is a right exclusive to the slave's owner. No one, including the owner's sons, may touch the woman unless the owner marries her to him. If the slave woman bears her owner a child, then her owner may never sell her and she automatically becomes a free woman upon his death, if he has not released her before that.

As can be seen from this evidence, slavery in Islam is far different from the institution of slavery as known in many non-Muslim countries.

The Editor

Publisher's Note

All praise and thanks belong to Allah alone, the One, the Almighty, and All-Merciful. Blessings and peace be upon Prophet Muhammad, the last of His messengers and prophets, and upon his family, his Companions and all those who follow in his footsteps until the end of time.

Unrestricted gender interaction has become one of the major ills prevalent among the Muslims today. In fact, it has increased to such an unprecedented level that many do not even consider it to be wrong. Nowadays, it seems almost unavoidable, when co-educational institutions and mixed gender weddings are the norm.

So what is the correct stance of Islam on this? Dr. Hatem al-Haj has presented a balanced view of mixed gender interaction - detailing both the stricter and more lenient views - supported by Qur'anic verses, hadiths and scholarly opinions. It is hoped that this book will prove to be a useful resource in distinguishing between the kinds of interactions that are permissible and the ones that are totally forbidden, and in knowing how to conducting oneself when interacting with the opposite gender.

May Allah accept the efforts of all those who contributed to the production of this book, and may it be acceptable to Him, *âmeen.*

Muhammad Abdul Mohsin Al-Tuwaijri
Managing Director
International Islamic Publishing House
Riyadh, Saudi Arabia

Introduction

مقدمة

We begin with the name of Allah (*Subhânahu wa Ta'âlâ* — Glorified and Exalted is He), to Whom all praise is due. We praise Him, and we seek His help and forgiveness. We seek refuge with Allah (ﷻ) from the evil of our own selves. No one can misguide the one whom Allah (ﷻ) leads to the straight path. Similarly, no one can guide the one whom He allows to go astray. I bear witness that none is worthy of worship but Allah (ﷻ) and that Muhammad (*salla Allâhu 'alayhi wa sallam* — blessings and peace be upon him) is His slave and messenger.

بسم اللّٰه والحمد للّٰه، نحمده ونستعينه ونستغفره، ونعوذ باللّٰه من شرور أنفسنا؛ من يهده اللّٰه فلا مضل له ومن يضلل فلا هادي له، وأشهد أن لا إله إلا اللّٰه وأشهد أن محمدًا عبده ورسوله. أما بعد،

The foundation of this book was a paper that I submitted to the sixth annual convention of the Assembly of Muslim Jurists in America (AMJA). I was asked to write about the intricacies of the relationship between the sexes as it relates to intermixing, exploring the issues of gender interaction in the mosque as well as in social and cultural gatherings. I was asked to probe such issues as the exchange of affectionate emotions, the bringing together of teenagers of both sexes at public conferences to allow them to get to know one another, the establishing of co-educational Islamic

فقد كانت بداية هذا الكتاب ورقة قدمتها إلى المؤتمر السادس لمجمع فقهاء الشريعة بأمريكا، وكان قد طلب مني أن أتعرض فيها إلى إشكالية العلاقة بين الجنسين من حيث الاختلاط في المساجد أو المناسبات الاجتماعية والثقافية، وتبادل المشاعر العاطفية بين الجنسين، وجمع الناشئة من الجنسين في المؤتمرات العامة لغايات التعارف، وإنشاء مدارس مختلطة، والترخص في المصافحة بين الجنسين بالغرب.

schools, and whether there is a concession permitting men and women to shake hands in the West.

When I felt that the honorable scholars had found the paper commendable, and since they had incorporated most of its recommendations in the resolutions of the sixth convention, I embarked on rewriting it. My intention was to make it appropriate for addressing the general public, in the hope that Allah (ﷻ) might benefit those of my Muslim brothers and sisters who get a chance to read it. I also added two chapters to the original paper: one on mingling in the mosques and the issue of partitions therein, and the other pertaining to online interaction between the two genders.

ولما شعرت أن السادة علماء المجمع قد استحسنوا جل ما فيها، واعتمدوا أكثر توصياتها، فرأيت أن أعيد كتابتها لتناسب مخاطبة عموم الناس، وذلك لنشرها ابتغاء أن ينفع اللَّه بها من يقرأ ما فيها من إخواني المسلمين. ورأيت كذلك أن أزيد عليها فصلين، أحدهما عن الاختلاط بالمساجد وقضية الحواجز بها، والآخر عن التواصل بين الجنسين علىٰ الشبكة المعلوماتية (الإنترنت).

The paper that was originally presented to AMJA was written in Arabic, as per the custom of the *fiqh* (Islamic jurisprudence) assemblies.[1] When I decided to submit it for publication, I translated it into English because the primary audience is intended to be the Muslim community in the West. I had the help of other individuals in rendering the paper into English, but I have carefully reviewed and corrected the whole translation. The fact that I am

لقد كتبت الورقة المقدمة إلىٰ المجمع باللغة العربية كما هو الشأن في المجامع الفقهية، ولكن لما ظهر لي نشر الكتاب، قررت أن أترجم ما في الورقة إلىٰ اللغة الإنجليزية، كون المخاطب الأول بها هو الجاليات المسلمة بالغرب. وقد قمت بذلك في بعضها واستعنت بغيري في بعضها الآخر، ولكنني راجعت كل الترجمة

[1] Wherever possible, Arabic terms have been translated into English. In cases where we have chosen to retain the Arabic, the transliterated word or phrase is shown in italics the first time it appears in the text; the term is also defined in the Glossary found at the end of this book. (Editor)

the author of the original work gave me some liberty with the translation, so while it conveys the same concepts and implications, it may not necessarily be faithful to the letter of the original work. As for the translation of the verses of the Qur'an, I have used the Saheeh International version throughout the book.[2]

بنفسي، تلك التي قمت بها والتي قام بها غيري. ولما كنت الكاتب فقد تصرفت في الترجمة أكثر مما يسوغ إذا كان المترجم غير كاتب للأصل. وبالنسبة لترجمة الآيات القرآنية، فقد اعتمدت ترجمة صحيح إنترناشونال في كل الكتاب.

I found it beneficial to keep the original Arabic as well as the translated English text together in one book. I hope that the students of knowledge, who usually like to review the original Arabic work, will appreciate that. I was happy to find my publisher, IIPH, concurring with this thought.

وقد رأيت أن أنشر الترجمة إلىٰ جانب الأصل في كتاب واحد لفائدة طلبة العلم الذين يرغبون في مطالعة النص العربي، وقد أقرني علىٰ ذلك الناشر (الدار العالمية) فاستبشرت بذلك.

Through this book, I have attempted to collect as much evidence as I could to present the topic in question, and I have presented this evidence with as much impartiality as possible. I have tried to raise and discuss issues in light of the opinions of those who have been endowed with knowledge; at the same time, I have tried to explain in more detail anything I found ambiguous in their statements. All the issues have been simplified and categorized for appropriate presentation for the benefit of all those who wish to study this topic in detail.

وقد سعيت في إعداد كتابي هذا إلىٰ جمع الأدلة باستيعاب وعرضها بتجرد، مع ذكر أقوال أهل العلم فيها وبيان ما أشكل من كلامهم، وذلك كله مع شيء من الترتيب والتنسيق الذي يقرب فهم هذا المطلب المهم للقارئ. ولكن ليس فيما تقرؤون في هذا الكتاب شيء من المسلَّمات سوىٰ آية من الكتاب أو سنة صحيحة أو فهم إجماع منعقد صريح، لذا فإني أنصح إخواني بتوخي الحذر وأخذ الحيطة فيما أشكل عليهم مما يقرؤون وأن

[2] Saheeh International, *The Qur'an: Arabic Text with Corresponding English Meanings* (Jeddah: Abul-Qasim Publishing House, 1997).

It is important to note that nothing in this text can be considered to be the final verdict on any topic unless it constitutes a verse from the Qur'an, an authentic Sunnah[3] or a verifiable clear consensus of the scholars. Therefore, I implore my brothers and sisters to exercise caution in handling any ambivalent statements they may read, and to ask Allah (ﷻ) to forgive the writer for his mistakes. I also ask my readers to overlook the errors and the ambiguities, and to adopt only what conforms to Allah's revelations and intent.

يستغفروا لكاتب هذه السطور عما وقع فيه من خطأ ويضربوا عنه صفحًا آخذين بما جاء في الوحي ووافق مقصود الشارع.

[3] The lexical definition of Sunnah is: the way, or the followed example. In juridical terminology, it means a source for the whole religion: creed, legislation, manners, etc. It consists of the Prophet's:
- oral traditions: known as Hadith; some scholars have used 'Sunnah' and 'Hadith' interchangeably.
- actions: including those which he avoided.
- tacit approvals: not forbidding an action that was performed in his presence or with his knowledge.

Introduction to the paper presented to the sixth AMJA convention

مقدمة الورقة المقدمة إلىٰ المؤتمر السادس لمجمع فقهاء الشريعة بأمريكا

We begin with the name of Allah (ﷻ); all praise is due to Him. We praise Him, seek His help and beseech His forgiveness. We seek refuge with Allah (ﷻ) from the evil of our own selves. No one can misguide the one whom Allah (ﷻ) leads to the straight path. Similarly, no one can guide the one whom He allows to go astray. I bear witness that none is worthy of worship but Allah (ﷻ) and that Muhammad (ﷺ) is His slave and messenger. He conveyed the message from his Lord (ﷻ) with perfection. He explained to us the rules of our religion with respect to every aspect of life; even the People of the Book envied us for his explanation. O Allah (ﷻ), send peace and blessings upon him, his household, his Companions and whoever follows his religion until the Day of Judgment.

بسم اللَّه والحمد للَّه، نحمده ونستعينه ونستغفره، ونعوذ باللَّه من شرور أنفسنا؛ من يهده اللَّه فلا مضل له ومن يضلل فلا هادي له، وأشهد أن لا إلهَ إلا اللَّه وأشهد أن محمدًا عبده ورسوله، بلَّغ عن ربه فأتم البلاغ، وبيّن لنا شرائع ديننا في شتىٰ مناحي الحياة، حتىٰ غبطنا علىٰ بيانه أهل الكتاب. فاللَّهم صلّ وسلّم عليه وعلىٰ آله وصحبه ومن اتبع ملته إلىٰ يوم الدين. أما بعد،

Allah (ﷻ) has created human beings in two categories: male and female. He has made them equal with respect to their humanity, and He has addressed them equally with the commands and prohibitions of the religion. He settled

لقد خلق اللَّه من البشر زوجين، ذكرًا وأنثىٰ، وجعلهما متساويين باعتبار بشريتهما، وخاطبهما بالتكاليف الشرعية، واستعمرهما في الأرض، ولا يكون بقاء ... إلا بهما. ومن ثم فإن طبيعة العلاقة

them in the land, and indeed the species cannot continue unless the two sexes unite. As such, the nature of the relationship between them and the limits and restrictions imposed on them must be understood with precision and mastery and applied with resolve and excellence. This is because an unbalanced understanding or application results in great risk to the individual and the society alike.

بينهما وحدودها وضوابطها مما ينبغي فهمه بدقة وإتقان وتطبيقه بحزم وإحسان، وذلك لأن الاضطراب في الفهم أو التطبيق يترتب عليه مخاطر عظيمة علىٰ الأفراد والمجتمعات.

The brothers responsible for the sixth annual AMJA convention have entrusted me with the task of speaking about the intricacies of the relationship between the sexes as it relates to intermixing, whether in mosques or in social and cultural gatherings. I have also been asked to discuss the exchange of affectionate emotions between the sexes, the gathering of teenagers of both sexes at public conferences in order to allow them to get to know one another for the purpose of marriage, the establishment of co-educational Islamic schools, and the permissibility of men and women shaking hands as a part of American culture.

ولقد أسند إليّ الإخوة المسؤولون عن المؤتمر السادس لمجمع فقهاء الشريعة بأمريكا مهمة الكلام عن إشكالية العلاقة بين الجنسين من حيث الاختلاط سواء في المساجد أو المناسبات الاجتماعية والثقافية، وتبادل المشاعر العاطفية بين الجنسين، وجمع الناشئة من الجنسين في المؤتمرات العامة لغايات التعارف بهدف الزواج، وإنشاء مدارس إسلامية مختلطة، والترخص في المصافحة بين الجنسين كجزء من الثقافة الأمريكية.

It would not be an exaggeration to present the contributing issues under the title of 'intricacies', for this is a very complicated topic. In fact, I know of no other issue in fiqh that is more challenging to maneuver than this one, in

ولعل تصديرهم العناصر بكلمة «إشكالية» لا مبالغة فيه البتة، فإن هذا الموضوع شائك جدًّا، ولست أعرف من مسائل الفقه ما يمكن أن يكون أكثر وعورة منه من حيث الاستقطاب والتمايز الحاصل

terms of the polarization and differences that occur amongst the callers to Islam because of it. It is almost as if everyone who speaks on the subject becomes guilty on one of two counts: extremism or laxity. O Allah (ﷻ), grant us accuracy, success, ease and aid. [End of AMJA text]

بين الدعاة بشأنه، فلا يكاد يسلم متكلم فيه من واحدة من تهمتين: التشدد أو التسيب! فاللّهم سدّد ووفّق ويسّر وأعن.

The ruling on *ikhtilâṭ* (intermixing)

حكم الاختلاط

Before I discuss the ruling on intermixing, it would be pertinent to define this term. What do we mean when we refer to this intermixing that is permitted by some scholars and prohibited by others? Is it the gathering of men and women in one place, or is it men and women speaking to one another? Does it connote a certain type of speech, joint participation in a single activity, eating together, jointly attending a lesson or lecture, a gathering accompanied by entertainment, or a gathering with close physical contact? Or is it something else altogether?

قبل الشروع في الكلام عن حكم الاختلاط، يجدر بنا أن نتساءل ما هو الاختلاط الذي يحرمه البعض، ويجيزه البعض الآخر؟ هل هو اجتماع الرجال والنساء في مكان واحد؟ أو هو الكلام بين الرجال والنساء؟ أو نوع معين من الكلام؟ أو الاشتراك في عمل واحد؟ أو الاجتماع على طعام؟ أو في درس أو محاضرة؟ أو الاجتماع المصحوب بشيء من اللَّهو والعبث؟ أو الاجتماع مع التضام والتزاحم والتصاق الأبدان؟ أم غير ذلك؟

Ikhtilâṭ in the language

الاختلاط في اللغة

Ikhtilâṭ, in Arabic lexicon, refers to mixing. This indicates the co-existence of two entities, such as the co-existence of a disease and a patient, or of two beings sharing one place. Ibn Fâris has said about a related word, "*Al-khaleeṭ* is the neighbor or the one next to another." It could also mean partnership in business; Allah (ﷻ) has said: ﴿...And indeed, many *khulaṭâ'* [pl. of *khaleeṭ* – meaning associates] oppress one another...﴾ *(Qur'an 38: 24)*

It may also mean intercourse, as al-Azhari said, "*Al-khilâṭ* is *mukhâlaṭah* between the man and his wife — when he has intercourse with her."[4]

It could also be said that ikhtilâṭ is the gathering of men and women in one place with close physical proximity, allowing them to hear and see one another. However, if one restricts the usage of this word to this definition, it will not be possible to make a general judgment. The default ruling in such a scenario is only that such gatherings are prohibited. That would be an appropriate stance, justified by the following hadith (a statement of Prophet Muhammad [ﷺ] that was remembered and recorded by his Companions and followers):

«I have not left behind me a trial more harmful to men than women.» (Bukhari and Muslim)

Common sense would necessitate ensuring a distance between the source of the trial and the one being tried. Nevertheless, the authentic Sunnah and the practices of the righteous predecessors have proven the permissibility of many forms of intermingling when needed.

لقد جاء في تعريفه في لسان العرب: «خَلَط الشيء بالشيء يخلطه خلطًا وخلطه فاختلط: مزجه. وخالط الشيء مخالطة وخلاطًا: مازجه. والخلاط: اختلاط الإبل والناس والمواشي».

وقد يعبر به عن مجرد اجتماع شيئين ومنه قولهم: «خالطه الداء»؛ أو الاشتراك

في مكان، ومنه قول ابن فارس: «الخليط المجاور»؛ أو عمل، ومنه قوله تعالى: ﴿وَإِنَّ كَثِيرًا مِّنَ ٱلْخُلَطَآءِ لَيَبْغِي...﴾؛ وقد يكنى به عن الجماع، كما قال الأزهري: «الخلاط مخالطة الرجل أهله إذا جامعها».[٥]

ويمكن القول: إنَّ الاختلاط بين الجنسين هو اجتماع الرجال والنساء مع التقارب في مكان واحد بحيث يتمكن من فيه من رؤية وسماع بعضهم البعض. ولكنه بهذا التعريف لا يمكن الحكم عليه إلا أن يقال: إنَّ الأصل فيه عند عدم الحاجة إليه هو المنع، وهو حكم وجيه ويكفي لتوجيهه قوله ﷺ: «ما تركت بعدي فتنة أضر على الرجال من النساء». والعقل يقضي بالفصل بين الفتنة والمفتون. ولكن قد أثبتت السنة الصحيحة وعمل السلف جواز كثير من صوره عند الحاجة، ولكن كثرة الصور، وتعدد الحاجات وتفاوتها، مع عدم وجود تعريف جامع مانع لما يحل من الاختلاط وما يحرم، كل ذلك أظهر أهمية التفصيل في هذا الموضوع.

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[4] Maḥmood 'Abdur-Raḥmân 'Abdul-Mun'em, *Mu'ajjam al-Muṣṭalaḥât wal-Alfâdh al-Fiqhiyah* (Cairo: Dâr al-Faḍeelah, 1998), 1:98.

٥) معجم المصطلحات والألفاظ الفقهية، لمحمود عبد الرحمن عبد المنعم: ١/٩٨.

The multiplicity of those permitted forms and the wide range of situations necessitating such mixing constitute a detailed and important answer to the question of the intermixing of genders. This is particularly so because of the absence of a comprehensive definition that includes all forbidden forms and excludes all permitted forms.

Ikhtilâṭ in fiqh terminology

الاختلاط في المصطلح الفقهي

The truth is that the term 'ikhtilâṭ', or 'intermixing', cannot be found in the books of fiqh or in the language (terminology) of the fiqh scholars. Linguistic definitions — as I have previously mentioned — are not very helpful here either, because even though the meaning is obvious, this term includes a wide variety of situations. This term (in the form of a noun) has also not been used in the revealed textual sources in the context of the relationship between men and women. Therefore, even after pinpointing the linguistic definition, the complexity remains.

الحقيقة أن مصطلح الاختلاط لم يعرف في كتب الفقه أو لغة الفقهاء. والتعاريف اللغوية لا تنفع هنا كثيرًا؛ لأن المعنىٰ ظاهر ولكنه يتسع لصور كثيرة - كما ذكرت - ولم يرد - كمصدر - في سياق العلاقة بين الجنسين في نصوص الوحي؛ لذا، فحتىٰ مع تحرير المعنىٰ اللغوي، يبقىٰ الإشكال قائمًا.

The answer to this question is best left until the end of this paper, for the following two quotes by Imam an-Nawawi,[6] from his book *al-Majmoo'*,

لذا فإن الإجابة عن هذا السؤال يحسُن أن تؤخر إلىٰ آخر البحث، وإن النصين

[6] Muhiy ad-Deen Abu Zakariyâ Yahyâ ibn Sharaf an-Nawawi (631-676 AH) was a luminary jurist and scholar of Hadith (the collected statements and actions of Prophet =

elaborate on the reason behind not issuing a general, unqualified ruling of permissibility or prohibition on intermixing; they also underscore the importance of avoiding generalizations when speaking about this challenging issue.

الآتيين من كلام الإمام النووي[٩] في كتابه المجموع يبينان الوجاهة في عدم إصدار حكم غير مفصل عن حل أو حرمة الاختلاط، وعدم التعميم عند الحديث عن هذه القضيـة الشائكة:

He (may Allah have mercy on him) said: Ibn al-Mundhir[7] and others have transmitted a consensus that it is permissible for a woman to attend and pray the Friday congregational prayer, since it has been established in a great number of authentic hadiths that women used to pray behind Allah's Messenger (ﷺ) in his mosque, behind the men. This is also because the intermixing of women with men, if it is not in seclusion, is not *harâm* (forbidden according to Islamic law).[8]

قال رحمه اللّٰه: «وقد نقل ابن المنذر[١٠] وغيره الإجماع علىٰ أنها لو حضرَتْ وصلَّتِ الجمعة جاز، وقد ثبتت الأحاديث الصحيحة المستفيضة أن النساء كن يصلين خلف رسول اللّٰه ﷺ في مسجده خلف الرجال؛ ولأن اختلاط النساء بالرجال إذا لم يكن خلوة ليس بحرام».[١١]

= Muhammad (ﷺ) that, with the Qur'an, form the basis of Islamic law) and Islamic history; he combined knowledge with practice. He was dedicated to worship and asceticism, and he was one of two scholars in the later generations considered to be the highest authorities in the Shâfi'i school. He was born in Nawâ, which was part of Syria.

[7] Abu Bakr Muhammad ibn Ibrâheem ibn al-Mundhir an-Naysâboori (242-319 AH) was a jurist, an erudite imam and superb memorizer of Hadith, and one of the shaykhs of Islam. He was born in Nishapur (in what is now Iran).

[8] Yahyâ ibn Sharaf an-Nawawi, *al-Majmoo' Sharḥ al-Muhadh-dhab* (Beirut: Dâr al-Fikr, 1997), 4:404.

(٩) هو: محيي الدين أبو زكريا يحيىٰ بن شرف النَّوَوِيّ الشافعي، العلَّامة الفقيه، المحدِّث المؤرخ، العالم العامل، العابد الزاهد، أحد الشيخين في المذهب الشافعي، ولد سنة ٦٣١هـ في نوا من قرىٰ حَوْرَان بسوريا. توفي: سنة ٦٧٦هـ.

(١٠) هو: أبو بكر، محمد بن إبراهيم بن المُنذِر النَّيسابُورِيّ الفقيه، الإمام الحافظ العلَّامة، شيخ الإسلام. ولد في نيسابور في حدود سنة ٢٤٢هـ وتوفي: سنة ٣١٩هـ.

(١١) المجموع ج٤/ ص٤٠٤.

He also said: Among the repugnant innovations initiated by the common folk during these times is the lighting of candles on Mount 'Arafah on the night of the ninth [of Dhul-Ḥijjah] or otherwise. They bring the candles from their countries for that [purpose], and they take great pains to safeguard them. This is a gross error in which they have combined several types of offenses, among which are wasting money on inappropriate things and exhibiting the rites of the Zoroastrians in safeguarding the fire; also included is the intermixing of men and women when there are candles in their midst and their faces are clearly visible.[12]

وقال: «ومن البدع القبيحة ما اعتاده بعض العوام في هذه الأزمان من إيقاد الشمع بجبل عرفة ليلة التاسع أو غيرها، ويستصحبون الشمع من بلدانهم لذلك ويعتنون به، وهذه ضلالة فاحشة جمعوا فيها أنواعًا من القبائح، منها إضاعة المال في غير وجهه، ومنها إظهار شعار المجوس في الاعتناء بالنار، ومنها اختلاط النساء بالرجال، والشموع بينهم، ووجوههم بارزة».[١٣]

Imam an-Nawawi was not the only one to have been confused concerning an issue of this sort, and he was an erudite scholar who was qualified to verify information. So how does he mention the same issue in the same book as both permissible and reprehensible? The answer to this question will most certainly reveal itself in the following pages, by Allah's leave.

إن الإمام النووي ليس ممن يضطرب في مسألة كهذه وهو العلَّامة المحقق، فكيف إذًا يعد الأمر ذاته في كتاب واحد من كتبه من المباحات والقبائح؟ إن الجواب علىٰ هذا السؤال سيأتي في ثنايا الصفحات القادمة إن شاء اللَّه.

I will begin by presenting the evidence, and then I will go into detail by discussing the current situation and its implications. I do not normally approve of dividing the discourse into two opposing sides, but I have taken this approach for ease in presenting the evidence. I will refer to the two sides as the 'permitters' and the 'prohibiters',[14] or more accurately: those who widen the scope of permissibility and those who tighten it. Thereafter, I will assess the superior position and present a detailed exposition, with the detailing perhaps taking longer than the assessment. This is because people [of knowledge] agree upon more issues than they differ over; their differences, in many cases, are simply over the wordings of the issues.

وأبدأ بسرد الأدلة ثم أُفصِّل، وأُعنىٰ في مرحلة التفصيل بالكلام عن الواقع المعاصر وتطبيقاته. وفي سردي للأدلة سأسلك طريقة التعميم التي لم أرها في الكلام عن حكم الاختلاط، فأجمع كل أدلة «المجوزين»[١٦]، ثم «المانعين»، أو ربما الأصوب أن يقال: أدلة الموسعين والمضيقين، وبعدها أذكر الترجيح والتفصيل، ولعل التفصيل سيكون أكثر من الترجيح، لأن ما يتفق عليه الناس[١٧] أكثر مما يختلفون فيه، وخلافهم في كثير من الأحوال لفظي، وأكثر الخلاف العملي إنما هو في مرحلة تحقيق المناط وهي المرحلة الأخيرة من صناعة الفتوىٰ، والتي تعتمد في جزء كبير علىٰ إدراك الواقع ورد الجديد من العادات والأعرف والأحوال إلىٰ الأصول الشرعية التي تناسب ذلك كله.

In coming up with a religious verdict, most of the real differences only appear during the stage of *taḥqeeq al-manâṭ*, or ascertaining the presence of *'illah* (an effective cause for the ruling).[15] This occurs during the final stage of constructing the religious decree; it relies, for the most part, on an awareness of the actual situation and the application of appropriate Islamic legal principles to new customs, norms and cases.

[12] an-Nawawi, *al-Majmoo'*, 8:111.

(١٣) المجموع ج٨/ ص١١١.

[14] The reason for putting these terms in quotation marks is that the 'permitters' do in fact prohibit many forms of intermingling, just as the 'prohibiters' permit many forms; therefore, dividing people into these two categories is impossible without a considerable amount of imprecision.

[15] For example, the effective cause for prohibiting wine is its property of causing intoxication. If it is ascertained that a given substance is intoxicating, then this provides the basis for ruling that it is prohibited.

(١٦) السر في علامات التنصيص أن المجوزين يمنعون الكثير من صور الاختلاط وكذلك المانعون يجوزون الكثير منها، ففي تقسيم الناس إلىٰ ذينك الصنفين ما فيه من التجوز.

(١٧) المقصود بالناس أهل العلم.

The evidence of those who widen the scope of permissibility

أدلة الموسعين

Evidence from the Qur'an

دليلهم من القرآن:

Allah, Most High, says in the Qur'an:

قوله تعالىٰ:

﴿Then whoever argues with you about it after [this] knowledge has come to you — say: Come, let us call our sons and your sons, our women and your women, ourselves and yourselves, then supplicate earnestly [together] and invoke the curse of Allah upon the liars [among us].﴾ *(Qur'an 3: 61)*

﴿فَمَنْ حَآجَّكَ فِيهِ مِنۢ بَعْدِ مَا جَآءَكَ مِنَ ٱلْعِلْمِ فَقُلْ تَعَالَوْا۟ نَدْعُ أَبْنَآءَنَا وَأَبْنَآءَكُمْ وَنِسَآءَنَا وَنِسَآءَكُمْ وَأَنفُسَنَا وَأَنفُسَكُمْ ثُمَّ نَبْتَهِلْ فَنَجْعَل لَّعْنَتَ ٱللَّهِ عَلَى ٱلْكَـٰذِبِينَ﴾ [آل عمران: ٦١]

This was revealed after the verses of hijab.[18] It contains an invitation to the Christians of Najrân to bring together on one plain those people mentioned, in order to invoke Allah's curse upon

نزلت بعد آيات الحجاب،[١٩] وفيها دعوة نصارىٰ نجران إلىٰ اجتماع المذكورين في صعيد واحد للمباهلة، وفي هذا نوع من

[18] Hijab literally means to cover. It refers to concealing, through proper attire, the part of the body that must be screened from public view, or to the concealment of the entire body by a partition. In this book, we have used this word in the context of the first meaning unless specified otherwise. Broadly, hijab should be regarded as a prescribed system of attitudes and behavior regarding modesty and dignity.

(١٩) [الحجاب قد يأتي بمعنىٰ ستر العورات باللباس أو الشخوص بالحائل، والمعنىٰ المستعمل في هذا الكتاب عند الإطلاق هو ستر العورات لا الشخوص].

those who were lying.[20] This is one type of intermixing, but notice also that this is supposed to take place in an open, public space.

الاختلاط، ولكن لاحظ أن ذلك في فضاء فسيح.

Allah, Most High, also says:

وقال تعالىٰ:

﴿Those [of your] women who commit unlawful sexual intercourse — bring against them four [witnesses] from among you. And if they testify, confine the guilty women to houses until death takes them or Allah ordains for them [another] way.﴾ *(Qur'an 4: 15)*

﴿وَٱلَّـٰتِى يَأْتِينَ ٱلْفَـٰحِشَةَ مِن نِّسَآئِكُمْ فَٱسْتَشْهِدُوا۟ عَلَيْهِنَّ أَرْبَعَةً مِّنكُمْ ۖ فَإِن شَهِدُوا۟ فَأَمْسِكُوهُنَّ فِى ٱلْبُيُوتِ حَتَّىٰ يَتَوَفَّىٰهُنَّ ٱلْمَوْتُ أَوْ يَجْعَلَ ٱللَّهُ لَهُنَّ سَبِيلًا﴾ [النساء: ١٥]

A woman found guilty of fornication used to be punished with house arrest until Allah (ﷻ) specified that the penalty was flogging or stoning. Therefore, the confinement of women to their houses should not be considered the same as their 'remaining' in their houses. This is because the former is a punishment, whereas the latter is an honor, an elevation and a command from Allah, Most High, to the best of women: the Mothers of the Believers (the wives of the Prophet [ﷺ]) and all Muslim women to come after them.

فالزانية كانت تُعاقَبُ بالحبس في البيوت حتىٰ جعل اللّه لها سبيلًا بالجَلْدِ أو الرجم. إذًا حبس المرأة في البيت هو غير قرارها فيه ﴿وَقَرْنَ فِى بُيُوتِكُنَّ﴾ [الأحزاب: ٣٣].

فالأول كان عقوبة لها والثاني مكرمة ورفعة، وهو أمر من اللّه تعالىٰ لخير النساء: أمهات المؤمنين، ولمن بعدهن من سائر نساء المسلمين. ولقد جاءت ترجمة المقصود بالقرار في البيوت في سيرتهن رضي الله عنهن. ولكن خروجهن لا يستلزم الاختلاط

The interpretation of the meaning of women 'remaining' in their homes

[20] This is an old practice used when two groups insisted on their opposing points of view; they challenged each other to meet so that both could ask Allah to curse the ones who were lying. In this particular incident, Prophet Muhammad (ﷺ) took close members of his family with him. The Christians realized that he must be telling the truth about being a prophet, since he would not put his family in danger of being cursed by Allah if he was lying. (Editor)

is apparent in the biographies of the Prophet's wives (may Allah be pleased with them all). It is known that they did venture outside their houses for various needs, but this did not necessarily entail the intermixing with men that most scholars have prohibited. Some of them have prohibited, or at least expressed their dislike of, women going out since that would lead to unavoidable types of intermixing; however, the best example was that of the first generation of Muslims.

بالرجال الذي يمنعه أكثر الناس، وإن كان البعض قد منع أو كره خروجهن لما يؤدي إليه ذلك من الاختلاط الذي لا يمكن اجتنابه، ولكن خير الهدي ما كان عليه الرعيل الأول.

Allah, Most High, mentions the following about Abraham (*'alayhi as-salâm* — peace be upon him) and his wife, Sarah:

﴿And his wife was standing, and she smiled. Then We gave her good tidings of Isaac, and after Isaac, of Jacob.﴾ *(Qur'an 11: 71)*

وقال تعالى عن إبراهيم وزوجه سارة:

﴿وَٱمۡرَأَتُهُۥ قَآئِمَةٞ فَضَحِكَتۡ فَبَشَّرۡنَٰهَا بِإِسۡحَٰقَ وَمِن وَرَآءِ إِسۡحَٰقَ يَعۡقُوبَ﴾ [هود: ٧١].

Here is the wife of Abraham, the father of all the prophets, standing before two guests. It must be noted, though, that she described herself in another place as:

﴿...a barren old woman.﴾ *(Qur'an 51: 29)*

فهذه امرأة أبي الأنبياء قائمة بين يدي الضيفان، ولكنها كما وصفت نفسها:

﴿عَجُوزٌ عَقِيمٌ﴾ [الذاريات: ٢٩].

Allah, Most High, says the following regarding Mary:

﴿...Every time Zachariah went to her in the prayer chamber, he found with her provision...﴾ *(Qur'an 3: 37)*

وقال تعالى:

﴿كُلَّمَا دَخَلَ عَلَيۡهَا زَكَرِيَّا ٱلۡمِحۡرَابَ وَجَدَ عِندَهَا رِزۡقٗا﴾ [آل عمران: ٣٧].

Here is Zachariah (عليه السلام), the husband of Mary's maternal aunt, entering Mary's prayer room. Even if that does not necessarily imply seclusion, it certainly involves intermixing. However, he is her custodian, and he said the following about himself in another verse of the Qur'an:

﴿...and I have reached an extremely old age.﴾ *(Qur'an 19: 8)*

فهذا زكريا زوج خالة مريم يدخل عليها المحراب، وإنه وإن كان لا يشترط في ذلك خلوة إلا أن فيه مخالطة، ولكنه كان كافلها وزوج خالتها، والقائل عن نفسه:

﴿وَقَدۡ بَلَغۡتُ مِنَ ٱلۡكِبَرِ عِتِيّٗا﴾ [مريم: ٨]

Allah, Most High, narrates the following about Moses (عليه السلام) and the two daughters of a pious man:

﴿And when he came to the well of Madyan, he found there a crowd of people watering [their flocks], and he found aside from them two women driving back [their flocks]. He said: What is your circumstance? They said: We do not water until the shepherds dispatch [their flocks], and our father is an old man.﴾ *(Qur'an 28: 23)*

وقد قال تعالىٰ عن موسىٰ وبنتي العبد الصالح:

﴿وَلَمَّا وَرَدَ مَآءَ مَدۡيَنَ وَجَدَ عَلَيۡهِ أُمَّةٗ مِّنَ ٱلنَّاسِ يَسۡقُونَ وَوَجَدَ مِن دُونِهِمُ ٱمۡرَأَتَيۡنِ تَذُودَانِۖ قَالَ مَا خَطۡبُكُمَاۖ قَالَتَا لَا نَسۡقِي حَتَّىٰ يُصۡدِرَ ٱلرِّعَآءُۖ وَأَبُونَا شَيۡخٞ كَبِيرٞ﴾ [القصص: ٢٣]

These two women used to go out daily to water their livestock. On that particular day, Moses (عليه السلام) spoke to them both and watered the livestock for them. However, an objector would say that they apologized for going out to water the animals by explaining that their father was an old man, and even then, they held their animals back to avoid intermingling with men.

فهاتان امرأتان تخرجان لسقي الأغنام، ويكلمهما موسىٰ ويسقي لهما. ولكن يقول المعارض أنهما اعتذرا عن الخروج إلىٰ السقاية بكون أبيهما شيخًا كبيرًا، وكانتا مع ذلك تذودان الماشية حتىٰ لا تخالطا الرجال.

One might also object to the preceding evidence from the stories of the prophets because their practices were in accordance with their specific Sharia.[21] Nevertheless, the correct position in the principles of jurisprudence is that the religious laws that came before us also apply to us, as long as our Sharia does not specifically abrogate them. So is the issue of intermixing one of the issues on which religious laws have differed?

It may be true that our Sharia contains stricter measures of chastity and abstention (from sexual immorality) than were imposed on others before us. Indeed, Allah (ﷻ) has promised to preserve the Qur'an, while the other nations have corrupted their books. It is He Who has made the matter of male-female relations stricter for us, because this particular *fitnah* (trial or temptation) was the most intense one for the previous nations. However, it is inconceivable that divine legislation should differ greatly over such issues since humans — their nature and their instincts — are the same as they were before, and since the five prime objectives of Sharia are also unchanged. One of these objectives includes the protection of lineage by ensuring that children are born within the family establishment. (The four

قد يعترض أحد أيضًا على ما سبق من قصص الأنبياء متعللًا بأنه من شرع من قبلنا، ولكن الصواب في الأصول أن شرع من قبلنا شرع لنا ما لم يدل على نسخه شرعنا، فهل كان أمر الاختلاط من الأمور التي اختلفت فيها الشرائع؟ الحق أن ذلك وارد، وإن في شرعنا من التشديد على العفة والإحصان ما ليس في غيره. فإن الله تعالى قد تعهد بحفظ القرآن لما ضيعت الأمم السابقة كتبها، وشدد علينا في أمر العلاقة بين الجنسين لما كانت تلك الفتنة هي الأشد على الأمم السابقة. ولكن لا يتصور أن يختلف التشريع في هذه المسائل اختلافًا كبيرًا، والإنسان هو الإنسان، وغرائزه هي هي، والمقاصد الخمسة للشارع لم تتغير، ومنها حفظ النسل.

[21] Sharia literally means a path to a body of water. In Islamic terminology, however, it refers to the sum total of Islamic laws revealed to the Prophet (ﷺ).

other objectives are the protection of religion, life, intellect and property.)

Evidence from the Sunnah

دليلهم من السنة:

On the authority of 'Abdullâh ibn 'Amr ibn al-'Âṣ (*radiya Allâhu 'anhu* — may Allah be pleased with him), Allah's Messenger (ﷺ) said:

وعن عَبْدِ اللَّه بن عَمْرِو بن الْعَاصِ أن رسول اللَّه ﷺ قال:

«Let no man from now on visit a woman whose husband is absent, except when he has with him one or two (other) men.» (Muslim)

«لَا يَدْخُلَنَّ رَجُلٌ بَعْدَ يَوْمِي هذا على مُغِيبَةٍ إلا وَمَعَهُ رَجُلٌ أو اثْنَانِ».٢٢

The aforementioned hadith indicates that such a level of intermixing is permissible when there is no seclusion (one man and one woman alone together) and they are safe from temptation; that is, the man and the woman are known to be pious and chaste. (The latter condition has been taken from the principles and other accounts of the Sunnah.)

والحديث يدل على جواز ذلك القدر من الاختلاط عند عدم الخلوة وأمن الفتنة بأن يعرف عن الرجال والمرأة الصلاح والعفة.

The Messenger of Allah (ﷺ) was well aware of the praiseworthy protective jealousy of the men of his nation. Still, he was careful not to let this protectiveness become a reason for Muslim women to be deprived of the chance to visit the house of their Lord, even though he knew this would cause a certain type of intermixing.

لقد كان رسول الله ﷺ - وقد علم ما علم من غيرة أمته المحمودة على الأعراض - حريصًا ألا تكون هذه الغيرة سببًا في حرمان المرأة المسلمة من زيارة بيت ربها مع كون ذلك سببًا لحصول نوع اختلاط؛ فقال ﷺ: «لا تَمْنَعُوا إِمَاءَ اللَّهِ

(٢٢) صحيح مسلم ج٤/ ص١٧١١.

On the authority of Ibn 'Umar (ﷺ), the Prophet (ﷺ) said:

«Do not prevent Allah's slave-women from going to Allah's mosques.» (Muslim)

Look at the beauty of his expression. He said 'Allah's slave-women'. Through this expression, the master of concise wording and comprehensive meaning undoubtedly intended to indicate great and noble meanings and to draw attention to the rights of women, who, like men, are 'slaves of Allah'. Hence, He instructed that they should not be prevented from frequenting the houses of the Great Master, the Noble Lord, the Merciful and Beloved, Glorious be the Most High in His Majesty. There is also no doubt, however, that coming to mosques leads to some level of intermixing with men, because the women's rows, even if they are behind the men's rows, are not very far from them.

It was reported from Sahl ibn Sa'd (ﷺ):

«Indeed, I saw the men tying their *izârs* (garments which are worn wrapped around the lower half of the body) around their necks like little boys, due to the shortness of the izârs (when praying) behind the Prophet (ﷺ). So someone

مساجدَ اللَّه».[٢٣] وانظر إلىٰ جمال تعبيره ﷺ «إماء اللَّه» فلا ريب أن صاحب جوامع الكلم ﷺ أراد أن يشير بهذا التعبير إلىٰ معان جليلة عظيمة، وينبه علىٰ حق المرأة والتي تشارك الرجل في العبودية للَّه ألا تمنع من بيوت السيد الأعظم، والرب الأكرم، والمحبوب الأرحم؛ جل في علاه. ولا شك أن الإتيان إلىٰ المساجد يفضي إلىٰ نوع اختلاط بالرجال، فصفوفهن وإن كانت خلف الرجال فإنها ليست بعيدة، وقد روىٰ مسلم عن سهل بن سعد قال: «لقد رأيت الرِّجَالَ عَاقِدِي أُزُرِهِمْ في أَعْنَاقِهِمْ مِثْلَ الصِّبْيَانِ من ضِيقِ الأُزُرِ خَلْفَ النبي ﷺ فقال قَائِلٌ: يا مَعْشَرَ النِّسَاءِ لَا تَرْفَعْنَ رؤوسكن حتىٰ يَرْفَعَ الرِّجَالُ».[٢٤]

(٢٣) (ق) صحيح مسلم ج١/ ص٣٢٧ عن ابن عمر.
(٢٤) صحيح مسلم ج١/ ص٣٢٦.

said: O you women, do not raise your heads until the men rise.» (Muslim)

«It was reported on the authority of Abu Hurayrah (ﷺ):

A man came to Allah's Messenger (ﷺ) and said: Verily, I am hungry and exhausted.

So he (ﷺ) sent to one of his wives (for food), but she said: By Him Who sent you with the truth, I have nothing but water.

Then, he sent to another (wife), and she said something similar, until all of them had said the same thing: No, by Him Who sent you with the truth, I have nothing but water.

So he (ﷺ) said: Who will host this man tonight? May Allah have mercy on him.

A man from the *Anṣâr* (the Muslim citizens of Madinah who gave refuge to the Prophet (ﷺ) and the other Muslim emigrants from Makkah) stood up and said: I will, O Messenger of Allah.

He headed with him to his house and asked his wife: Do you have anything?

She replied: Nothing but my children's food.

He said: Then distract them (the children) with something, and when our guest enters, put out the lamp and make it look like we are eating. When

he reaches out to eat, get up and go to the lamp to put it out.

He said: So they sat, and the guest ate. When morning came, the Anṣâri man went to the Prophet (ﷺ), who said: Allah was well pleased with what you two did for your guest last night.» (Muslim)

In *al-Muwaṭṭa'*,[26] it says that Imam Mâlik (may Allah have mercy on him) was asked: Is it permissible for a man and his wife to eat with another man?

Mâlik replied: There is nothing wrong with that if it is the known custom of the people.

However, Imam Aḥmad ibn Ḥanbal (may Allah have mercy on him) forbade men from eating with women from whom they were divorced.

وجاء في الموطأ: «أنه سئل مالك هل يجوز أن يأكل الرجل وزوجته مع رجل آخر، فقال مالك: لا بأس بذلك إذا كان ذلك على ما يعرف من أمر الناس». ولكن أحمد قد منع أكل الرجل مع مطلقته.

It could be argued that this was before the verses of hijab were revealed. The response is that the full hijab — as will be proven later — was legislated as an obligation on the Mothers of the Believers and as a recommendation for others. This issue is a matter of scholarly debate, as is well-known. Besides, the Mothers of the Believers went for Hajj (the major pilgrimage to the Sacred Mosque in Makkah, to be undertaken by every able Muslim at least once in

وقد يقال: إنَّ هذا قبل نزول آيات الحجاب، ويجاب بأن الحجاب الكامل - كما سيأتي - شرع وجوبًا لأمهات المؤمنين واستحبابًا لغيرهن، والمسألة محل نزاع كما هو معلوم. ولكن أمهات المؤمنين خرجن بعد آية الحجاب وحججن واعتمرن...إلخ.

[26] Abu 'Abdullâh al-Aṣbaḥi Mâlik ibn Anas, *al-Muwaṭṭa'* (Cairo: Dâr Iḥyâ' at-Turâth al-'Arabi).

a lifetime) and *'umrah* (a minor, non-obligatory pilgrimage to Makkah); they were not confined to their homes even after those verses were revealed.

«It was reported on the authority of Fâṭimah bint Qays (*raḍiya Allâhu 'anhâ* – may Allah be pleased with her), who said: I married Ibn al-Mugheerah, and he was at that time one of the best young men of *Quraysh* (the dominant tribe in Makkah at the time of the Prophet's mission; their society was based on polytheism). Then he was (fatally) wounded in the first jihad[27] with Allah's Messenger (ﷺ).

When I became a widow, 'Abdur-Raḥmân ibn 'Awf was one of a number of the Companions of the Messenger of Allah (ﷺ) who proposed to me. Allah's Messenger (ﷺ) proposed to me on behalf of his freed slave, Usâmah ibn Zayd. I had been told that Allah's Messenger (ﷺ) had said: Whoever loves me, let him love Usâmah. So when Allah's Messenger (ﷺ) spoke to me, I told him: My affair is in your hands, so marry me to whomever you please.

وعن فَاطِمَةَ بِنْتِ قَيْسٍ قالت: «نَكَحْتُ ابْنَ الْمُغِيرَةِ وَهُوَ مِنْ خِيَارِ شَبَابِ قُرَيْشٍ يَوْمَئِذٍ فَأُصِيبَ فِي أَوَّلِ الْجِهَادِ مَعَ رَسُولِ اللَّه ﷺ فَلَمَّا تَأَيَّمْتُ خَطَبَنِي عَبْدُ الرَّحْمَنِ بْنُ عَوْفٍ فِي نَفَرٍ مِنْ أَصْحَابِ رَسُولِ اللَّه ﷺ وَخَطَبَنِي رَسُولُ اللَّه ﷺ عَلَىٰ مَوْلَاهُ أُسَامَةَ ابْنِ زَيْدٍ وَكُنْتُ قَدْ حُدِّثْتُ أَنَّ رَسُولَ اللَّه ﷺ قَالَ: «مَنْ أَحَبَّنِي فَلْيُحِبَّ أُسَامَةَ» فَلَمَّا كَلَّمَنِي رَسُولُ اللَّه ﷺ قُلْتُ: أَمْرِي بِيَدِكَ فَأَنْكِحْنِي مَنْ شِئْتَ. فَقَالَ: «انْتَقِلِي إِلَىٰ أُمِّ شَرِيكٍ». وَأُمُّ شَرِيكٍ امْرَأَةٌ غَنِيَّةٌ مِنَ الْأَنْصَارِ عَظِيمَةُ النَّفَقَةِ فِي سَبِيلِ اللَّه يَنْزِلُ عَلَيْهَا الضِّيفَانُ، فَقُلْتُ: سَأَفْعَلُ. فَقَالَ: «لَا تَفْعَلِي إِنَّ أُمَّ شَرِيكٍ امْرَأَةٌ كَثِيرَةُ الضِّيفَانِ فَإِنِّي أَكْرَهُ أَنْ يَسْقُطَ عَنْكِ خِمَارُكِ أَوْ يَنْكَشِفَ الثَّوْبُ عَنْ سَاقَيْكِ فَيَرَىٰ الْقَوْمُ مِنْكِ بَعْضَ مَا تَكْرَهِينَ وَلَكِنِ انْتَقِلِي إِلَىٰ ابْنِ عَمِّكِ عَبْدِ اللَّه بْنِ عَمْرِو ابْنِ أُمِّ مَكْتُومٍ».[٢٨]

[27] Jihad literally means exerting one's utmost to realise an objective. It is not equivalent to war; it has a wider connotation and encompasses all kinds of striving in the cause of Allah (ﷻ): physical, intellectual and spiritual.

(٢٨) (ق) صحيح مسلم ج٤/ ص٢٢٦١.

He said: Move in with Umm Shareek (until you finish your waiting period). Umm Shareek (ﷺ) was a wealthy woman from the Anṣâr who used to spend a great deal in Allah's cause, and she hosted many guests.

I said: I will do so.

Then he said (changing his mind): Do not do that. Verily, Umm Shareek is a woman who has many guests. Verily, I would not like for your head covering to fall from you, or for your garment to be lifted from your leg, allowing people to see of you something that you would dislike their seeing. Instead, move in with your paternal cousin, 'Abdullâh ibn 'Amr ibn Umm Maktoom (who was blind).» (Muslim)

As-Sha'bi said:[29] We visited Fâṭimah bint Qays; she welcomed us with fresh dates, called *Ibn Ṭâb*, and she gave us a drink made from a type of grain. I asked her about a woman who has been divorced three times and where she should spend her waiting period. (Muslim)

(ق) قَالَ الشَّعْبِيُّ[٣٠]: «دَخَلْنَا عَلَىٰ فَاطِمَةَ بِنْتِ قَيْسٍ فَأَتْحَفَتْنَا بِرُطَبٍ يُقَالُ لَهُ: رُطَبُ ابْنِ طَابٍ وَأَسْقَتْنَا سَوِيقَ سُلْتٍ فَسَأَلْتُهَا عَنِ الْمُطَلَّقَةِ ثَلَاثًا أَيْنَ تَعْتَدُّ».

This woman, Umm Shareek, used to be inundated with visitors, and she was

فهذه أم شريك يغشاها الضيفان، ولا تنهىٰ عن ذلك، وفاطمة تنهىٰ عن البقاء معها

[29] Abu 'Amr Âmir ibn Sharaheel ash-Sha'bi (19-103AH) was one of the greatest narrators of Hadith from the generation of the tâbi'oon (those who knew or met any of the Companions and transmitted hadiths from them). He was called 'the leader of the believers' in terms of being a scholar of Hadith, which is the highest ranking amongst the scholars of that discipline. He was born in Kufa (currently in Iraq).

(٣٠) هو: أبو عمرو عامر بن شراحيل، الشَّعْبِيّ الحِمْيَرِيّ، راوية من التابعين، يضرب المثل بحفظه، وهو من رجال الحديث الثقات، بل أمير المؤمنين في الحديث، وكان فقيهًا واستقضاه عمر بن عبد العزيز، ولد سنة ١٩هـ بالكوفة، ومات سنة ١٠٣هـ.

not forbidden from doing that, though Fâṭimah was forbidden from staying with her for that very reason; perhaps the difference in their ages was the rationale for that. When Fâṭimah grew older, she did as Umm Shareek used to do (receiving guests).

لذات الأمر ولعل الفرق بين أعمارهما كان سبب ذلك، فلما كبرت فاطمة فعلت فعل أم شريك.

«It was reported on the authority of Anas ibn Mâlik (ﷺ) that Allah's Messenger (ﷺ) used to visit Umm Ḥarâm bint Milḥân (ﷺ) while she was married to 'Ubâdah ibn Ṣâmit (ﷺ), and she would feed him (ﷺ).

One day, Allah's Messenger (ﷺ) visited her and she fed him… Afterwards he slept and then woke up laughing.

She asked: What makes you laugh, O Messenger of Allah?

He replied: People from my Ummah (the entire global community of Muslims) were presented before me, waging war in Allah's cause, riding the open sea like kings on thrones.

She said: O Messenger of Allah, beseech Allah to make me one of them.

He prayed for her and then laid his head down again and slept. Then he woke up, laughing.

She asked: What makes you laugh, O Messenger of Allah?

He replied: People from my Ummah were presented before me, waging war

وعن أنس بن مالك ﷺ «أن رسول الله ﷺ كان يَدْخُلُ علىٰ أُمِّ حَرَامٍ بِنْتِ مِلْحَانَ فَتُطْعِمُهُ وَكَانَتْ أُمُّ حَرَامٍ تَحْتَ عُبَادَةَ بن الصَّامِتِ فَدَخَلَ عليها رسول الله ﷺ يَوْمًا فَأَطْعَمَتْهُ ... فَنَامَ رسول الله ﷺ، ثُمَّ اسْتَيْقَظَ وهو يَضْحَكُ قالت: فقلت: ما يُضْحِكُكَ يا رَسُولَ اللَّه؟ قال: «نَاسٌ من أُمَّتِي عُرِضُوا عَلَيَّ غُزَاةً في سَبِيلِ اللَّه يَرْكَبُونَ ثَبَجَ[٣١] هذا الْبَحْرِ مُلُوكًا علىٰ الْأَسِرَّةِ». قال: قالت: فقلت: يا رَسُولَ اللَّه ادْعُ اللَّه أَنْ يَجْعَلَنِي منهم. فَدَعَا لها، ثُمَّ وَضَعَ رَأْسَهُ فَنَامَ، ثُمَّ اسْتَيْقَظَ وهو يَضْحَكُ قالت: فقلت: ما يُضْحِكُكَ يا رَسُولَ اللَّه؟ قال: «نَاسٌ من أُمَّتِي عُرِضُوا عَلَيَّ غُزَاةً في سَبِيلِ اللَّه...». كما قال في الْأُولَىٰ قالت: فقلت: يا رَسُولَ اللَّه ادْعُ اللَّه أَنْ يَجْعَلَنِي منهم. قال: «أَنْتِ من الْأَوَّلِينَ». فَرَكِبَتْ أُمُّ حَرَامٍ بِنْتُ مِلْحَانَ

(٣١) لسان العرب: ثَبَجُ كلِّ شيء: مُعْظَمُهُ ووَسَطُهُ وأعلاه، والجمع أثباجٌ وثُبُوجٌ.

in Allah's cause (as he had said the first time).

She said: O Messenger of Allah, beseech Allah to make me one of them.

He said: You are one of the first.

Umm Ḥarâm bint Milḥân sailed the sea during the time of Mu'âwiyah (رضي الله عنه). Upon landing, she fell from her mount and died.» (Muslim)

الْبَحْرَ فِي زَمَنِ مُعَاوِيَةَ فَصُرِعَتْ عن دَابَّتِهَا حين خَرَجَتْ من الْبَحْرِ فَهَلَكَتْ».٣٢

Here we see that Allah's Messenger (ﷺ) slept at this woman's house — in the presence of others, of course — and she was asking him if she could be one of those who ride the open sea, waging war. He did not condemn her for that. On the contrary, he prayed for her as she asked, and Allah (ﷻ) accepted his prayer. As for the claim that he is special in this regard, there is no evidence of that. The basic principle (the default) is that the ruling is general. The fact is that he is like a father to the believers; it is reported that the Prophet (ﷺ) said: «Verily, I am like a father to you; I teach you…» (A sound hadith recorded by Abu Dâwood)

He harbored compassion and affection for them and remained committed to their welfare. The same legislation applied to him as it did to everyone else,

فهذا رسول الله ينام عند هذه المرأة - مع وجود آخرين حتمًا - وها هي تسأله أن تكون ممن سيركبون ثبج البحر غزاة فلا ينكر عليها، بل يدعو لها فيستجيب الله دعاءه. أما دعوىٰ اختصاصه بذلك فلا دليل عليها، والأصل عموم الخطاب، وكونه أبًا للمؤمنين كما قال ﷺ: «إنما أنا لكُمْ بِمَنْزِلَةِ الْوَالِدِ أُعَلِّمُكُمْ...»٣٣ فهو كذلك ﷺ في الشفقة بهم والحدب عليهم والنصح إليهم لا في الأحكام، فقد جاز أن يناكحهم.

(٣٢) (ق) صحيح مسلم ج٣/ ص١٥١٨.

(٣٣) سُنَن أبي دَاوُد ج١/ ص٣.

for it was permissible for him to marry women from among them.

It was reported on the authority of Anas (رضي الله عنه), who said: On the day of the battle of Uḥud, some of the people around the Prophet were defeated… and I saw 'Â'ishah bint Abu Bakr and Umm Sulaym. Verily, they were both lifting up their garments (such that) I could see the anklets on their legs while they were carrying water vessels on their backs, emptying them in their (the soldiers') mouths, and returning to fill them up, then coming to empty them into the people's mouths. (Muslim)

عن أنس رضي الله عنه قال: «لَمَّا كان يَوْمُ أُحُدٍ انْهَزَمَ نَاسٌ من الناس عن النبي ﷺ... وَلَقَدْ رأيت عَائِشَةَ بِنْتَ أبي بَكْرٍ وَأُمَّ سُلَيْمٍ وَإِنَّهُمَا لَمُشَمِّرَتَانِ أَرَىٰ خَدَمَ سُوقِهِمَا تَنْقُلَانِ الْقِرَبَ علىٰ مُتُونِهِمَا ثُمَّ تُفْرِغَانِهِ في أَفْوَاهِهِمْ ثُمَّ تَرْجِعَانِ فتملآنها ثُمَّ تَجِيئَانِ تُفْرِغَانِهِ في أَفْوَاهِ الْقَوْمِ».٣٥

An-Nawawi said:

In this hadith, there is mention of intermixing of the women in the battle with their men in the midst of fighting, in order to bring them water and the like.[34]

The battle of Uḥud took place before the verses of hijab were revealed, but women continued to participate in battles afterwards. Imam Aḥmad has related that six of the believing women were with the army that besieged Khaybar, and the Prophet (ﷺ) gave them a token portion of the spoils. (A weak hadith recorded by Abu Dâwood)

قال النووي: «وفي هذا الحديث اختلاط النساء في الغزو برجالهن في حال القتال لسقي الماء ونحوه».٣٦ وأُحُدٌ كانت قبل آيات الحجاب ولكن بقي النساء يخرجن مع الغزاة بعدها، وروىٰ الإمام أحمد أن ستًا من نساء المؤمنين كن مع الجيش الذي حاصر خيبر، وقد رضخ لهن النبي ﷺ من الغنيمة.

[34] Yahyâ ibn Sharaf an-Nawawi, *Ṣaheeḥ Muslim bi-Sharḥ an-Nawawi* (Beirut: Dâr Ihyâ' al-Turâth al-'Arabi, 1972), 12:190.

(٣٥) (ق) صحيح مسلم ج٣/ ص١٤٤٣.

(٣٦) شرح النووي علىٰ صحيح مسلم ج١٢/ ص١٩٠.

It was reported on the authority of Sahl (ﷺ), who said:

«When Abu Usayd as-Sâ'idi got married, he invited the Prophet (ﷺ) and his Companions. The one who made the food and served it to them was none other than Umm Usayd (the wife of Abu Usayd). She had soaked dried dates in a stone vessel overnight. When the Prophet (ﷺ) finished the food, she mashed it and served it to him to drink, to show great hospitality.» (Bukhari)

وفي صحيح البخاري عن سهل قال: «لَمَّا عَرَّسَ أبو أُسَيْدٍ السَّاعِدِيُّ دَعَا النبي ﷺ وأَصْحَابَهُ فما صَنَعَ لهم طَعَامًا ولا قَرَّبَهُ إِلَيْهِمْ إلا امْرَأَتُهُ أُمُّ أُسَيْدٍ بَلَّتْ تَمَرَاتٍ في تَوْرٍ من حِجَارَةٍ من اللَّيْلِ فلما فَرَغَ النبي ﷺ من الطَّعَامِ أَمَاثَتْهُ له فَسَقَتْهُ تُتْحِفُهُ بِذَلِكَ»٣٨

Hâfidh ibn Hajar al-'Asqalâni said: According to the hadith, it is permissible for a woman to serve her husband and those whom he has invited. It goes without saying that this can happen only where there is both safety from temptation and adherence to appropriate attire concealing the *'awrah* (the part of a person's body that must be screened from public view).[37]

قال الحافظ ابن حجر العسقلاني: «وفي الحديث جواز خدمة المرأة زوجها ومن يدعوه، ولا يخفىٰ أن محلّ ذلك عند أمن الفتنة ومراعاة ما يجب عليها من الستر»٣٩

It was reported on the authority of Yahya ibn Abi Sulaym, who said: I saw Samrâ' bint Nuhayk — a woman who lived during the lifetime of the Prophet (ﷺ) — wearing a thick, full-body garment and a thick, elaborate headcovering, with a whip in hand, disciplining

وعن يحيىٰ بن أبي سليم قال: «رأيت سمراء بنت نهيك - وكانت قد أدركت النبي ﷺ - عليها درع غليظ وخمار غليظ، بيدها سوط تؤدب الناس، وتأمر بالمعروف وتنهىٰ عن المنكر».٤٠

[37] Ahmad ibn 'Ali al-'Asqalâni Ibn Hajar, *Fath al-Bâri Sharh Saheeh al-Bukhâri*, ed. Muhib ud-Deen al-Khateeb (Beirut: Dâr al-Ma'rifah, n.d.), 9:251

(٣٨) صحيح البخاري ج٥/ ص١٩٨٦.

(٣٩) فتح الباري ج٩/ ص٢٥١.

(٤٠) رواه الطبراني وحسنه الألباني.

the people, enjoining good and forbidding evil. (Recorded by at-Tabarâni; al-Albâni graded it reliable)

Rational explanations

من التعليل

1. Some people claim that intermixing curbs the desires, disciplines the instincts, and prevents repressed emotions and psychological complexes, and that separating the genders only makes the yearning stronger.

١- يَدَّعي البعض أن الاختلاط يكسر الشهوة، ويهذب الغريزة، ويقي من الكبت والعقد النفسية، فتباعد الجنسين يفضي إلىٰ شدة التطلب.

Perhaps this point of view (despite the exaggeration involved) bears some semblance of truth when the separation between the sexes becomes extreme, leading to constrained pathways to marriage. However, the objectors might say that we have not seen intermixing prevent any sexual desire and intense need for the opposite sex in permissive societies. On the contrary, it has only added to their chaos. In such societies, the rates of divorce and marital infidelity, and even sexual deviance (such as homosexuality) are rising as a result of people's consistent pursuit of the forbidden. Therefore, if we were to permit some of that which is forbidden, it would not curb people's desires; it would merely feed their demand for

ولعل هذا الكلام علىٰ ما فيه من المبالغة فيه جزء من الصواب عند المبالغة في العزل بين الجنسين. سيما مع ضيق السبل إلىٰ الزواج. ولكن للمعارض أن يقول أننا لم نر الاختلاط قد منع شيئًا من الشبق الجنسي وشدة التطلب للجنس الآخر في المجتمعات الإباحية بل زادهم خبالًا علىٰ خبال، والمجتمعات الإباحية ترتفع فيها نسب الطلاق والخيانات الزوجية بل والشذوذ الناتج عن تطلع الإنسان لما هو ممنوع أو غريب. إذًا فإذا أبحنا بعض الممنوعات، فإن هذا لن يكسر شهوة الإنسان وتطلبه للمزيد منها ولكسر المزيد من القيود.

more, which would lead to the violation of more restraints. It might be said that prevention is better than cure, because stopping themselves is harder for those whose feet have already started to slide down a slippery slope. The longer it takes them to restrain themselves, the more quickly they will fall to the bottom. It will not be long before these individuals start clinging to others lest they fall alone; subsequently, all the people on that route will come crashing down together.

وقد يقال: إن الوقاية خير من العلاج والطريق الزلق يصعب على من زلت فيه قدمه أن يتدارك نفسه، وكلما تأخر في إلجام نفسه تسارع هَويه إلى القعر. ولا يلبث هذا أن يتشبث بغيره حتى لا يكون وحده فيتهاووا جميعًا. (انظر إلى بعض الإحصائيات في الختام).

2. Intermixing provides an opportunity for a man to get to know a woman (in order to propose marriage) while she is commuting on the same route or is present at the same university or workplace; the percentage of unmarried women is rising in certain conservative societies due to the fact that few men can actually get to know women.

This conclusion is not entirely sound, due to multiple factors that affect the testing of the hypothesis. One could ask how we can be so sure that this is the sole reason why so many women remain unmarried. If judged impartially, other possible reasons might be the ever-rising cost of the wedding gift (dowry) presented by the groom to the bride, tribal loyalties, widespread unemployment in the Muslim world, and other factors. Still, does narrowing women's social sphere, in the manner seen in certain societies, also lead to women being more unlikely to marry? Perhaps there is a grain of truth in this.

٢- الاختلاط يتيح الفرصة للرجل لمعرفة المرأة لطلب الزواج منها خلال ذهابها وإيابها أو في الجامعة أو مكان العمل، وإن معدلات العنوسة ترتفع في بعض المجتمعات المحافظة نتيجة لأن القليل من الرجال يعرفون عن المرأة. وهذا الاستنتاج لا يسلم لكثرة عوامل الخلط التي تؤثر على هذه الفرضية، فقد يقال: هل تأكدتم أن سبب العنوسة هو ذلك فقط دون ارتفاع المهور والعصبية للقبيلة والبطالة المنتشرة في العالم الإسلامي وغيرها من العوامل؟ ولكن أليس أيضًا في تضييق الدائرة الاجتماعية للمرأة على النحو المشاهد في بعض البيئات ما يؤدي إلى العنوسة! لعل في هذا شيء من الصواب.

3. The restriction of women to certain fields has wasted their potential and limited their abilities. Thousands of women were scholars, jurists and qualified muftis (scholars capable of issuing religious edicts) in the past; however, the present-day Ummah has been unable to produce the likes of such women. Ḥâfidh ibn 'Asâkir himself acquired knowledge from three hundred women. Where are those women in our time? If one were to ask, "And where are the men who are like them?" there would be an element of truth to the objection. Nonetheless, it is no secret that the level of women's education and general knowledge has declined to a far greater extent.

٣- عزل المرأة يتسبب في تقويض إمكاناتها وتحجيم قدراتها. ولقد كان هناك الألوف من النساء العالمات الفقيهات المفتيات، ولكن الأمة في أزمنتها المتأخرة عجزت عن إخراج أمثالهن. إن الحافظ ابن عساكر تحمل عن ثلاثمائة امرأة، فأين هؤلاء في زماننا، فإن قيل: وأين الرجال الذين تحمل عنهم؟ لكان في الاعتراض جانب من الصواب، ولكن لا يخفى أن تردي أحوال النساء العلمية والثقافية أكبر بكثير.

The evidence of those who narrow the scope of permissibility

أدلة المضيقين

Evidence from the Qur'an

دليلهم من القرآن:

Allah (ﷻ) has said in the Qur'an:

﴿And abide in your houses and do not display yourselves as [was] the display of the former times of ignorance. And establish prayer and give charity and obey Allah and His Messenger. Allah intends only to remove from you the impurity [of sin], O people of the [Prophet's] household, and to purify you with [extensive] purification.﴾ *(Qur'an 33: 33)*

قال تعالىٰ:

﴿وَقَرْنَ فِي بُيُوتِكُنَّ وَلَا تَبَرَّجْنَ تَبَرُّجَ ٱلْجَٰهِلِيَّةِ ٱلْأُولَىٰ وَأَقِمْنَ ٱلصَّلَوٰةَ وَءَاتِينَ ٱلزَّكَوٰةَ وَأَطِعْنَ ٱللَّهَ وَرَسُولَهُۥٓ إِنَّمَا يُرِيدُ ٱللَّهُ لِيُذْهِبَ عَنكُمُ ٱلرِّجْسَ أَهْلَ ٱلْبَيْتِ وَيُطَهِّرَكُمْ تَطْهِيرًا﴾ [الأحزاب:٣٣]

Remaining in their houses to prevent temptation was made obligatory on the Mothers of the Believers, as they were addressed first and foremost. However, the generality of 'illah in the saying of Allah (ﷻ): ﴿...to remove from you the impurity [of sin]...﴾ indicates that Muslim women of all times are also being addressed, for Allah, Most High, would not be pleased with the sins of any believing woman.

فإذا كان الأمر بالقرار لمنع الفتنة واجبًا علىٰ أمهات المؤمنين بأولية توجه الخطاب لهن، فإن عموم العلة في قوله تعالىٰ: ﴿لِيُذْهِبَ عَنكُمُ ٱلرِّجْسَ﴾ يدل علىٰ دخول غيرهن في الخطاب، فإنه تعالىٰ ليس يرضىٰ الرجس لأي مؤمنة.

In this respect, al-Kâsâni (may Allah have mercy on him)[41] said:

> They all agreed [meaning in the Hanafi school of juristic thought] that it is not permissible for the younger ones of them [the women] to go out for the Friday prayer, the prayers for the two *Eids* (the two celebrations: one at the end of Ramadan and the other at the culmination of the Hajj), or any of the [five daily] prayers, due to the saying of the Most High: ﴿And abide in your houses...﴾, and the order to stay is a prohibition on moving about.[42]

It must be noted that the intention here is only to present the explanation and understanding of the aforementioned verses by the great Imams, not necessarily to concur with them on this particular edict.

وفي ذلك يقول الكاساني[٤٣]: «أجمعوا [يريد في المذهب] علىٰ أنه لا يرخص للشواب منهن الخروج في الجمعة والعيدين وشيء من الصلاة؛ لقوله تعالىٰ: ﴿وَقَرْنَ فِي بُيُوتِكُنَّ﴾ والأمر بالقرار نهي عن الانتقال».[٤٤] والمقصود بيان فهم هؤلاء الأئمة الفخام للآيات لا موافقتهم في عين هذا الحكم.

Allah (ﷻ) has also said:

﴿O you who have believed, do not enter the houses of the Prophet except when you are permitted for a meal, without awaiting its readiness. But when you are invited, then enter; and when you

وقال تعالىٰ:

﴿يَٰٓأَيُّهَا ٱلَّذِينَ ءَامَنُوا۟ لَا تَدْخُلُوا۟ بُيُوتَ ٱلنَّبِيِّ إِلَّآ أَن يُؤْذَنَ لَكُمْ إِلَىٰ طَعَامٍ غَيْرَ نَٰظِرِينَ إِنَىٰهُ وَلَٰكِنْ إِذَا دُعِيتُمْ فَٱدْخُلُوا۟ فَإِذَا طَعِمْتُمْ

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[41] 'Alâ' ud-Deen Abu Bakr ibn Mas'ood al-Kâsâni was a Hanafi jurist, titled 'king of the scholars'. He died in Aleppo (a part of Syria) in 587 AH.

[42] 'Alâ' ud-Deen al-Kâsâni, *Badâ'i' aṣ-Ṣanâ'i'* (Beirut: Dâr al-Kitâb al-'Arabi, 1982), 1:275.

(٤٣) هو: علاء الدين أبو بكر بن مسعود بن أحمد الكَاسَانيّ، الفقيه الحنفي، ملك العلماء. توفي في حلب سنة ٥٨٧هـ.

(٤٤) بدائع الصنائع ج١/ ص٢٧٥.

have eaten, disperse without seeking to remain for conversation. Indeed, that [behavior] was troubling the Prophet, and he is shy of [dismissing] you. But Allah is not shy of the truth. And when you ask [his wives] for something, ask them from behind a partition. That is purer for your hearts and their hearts. And it is not [conceivable or lawful] for you to harm the Messenger of Allah or to marry his wives after him, ever. Indeed, that would be in the sight of Allah an enormity.﴿ (Qur'an 33: 53)

فَٱنتَشِرُوا۟ وَلَا مُسْتَـْٔنِسِينَ لِحَدِيثٍ ۚ إِنَّ ذَٰلِكُمْ كَانَ يُؤْذِى ٱلنَّبِىَّ فَيَسْتَحْىِۦ مِنكُمْ ۖ وَٱللَّهُ لَا يَسْتَحْىِۦ مِنَ ٱلْحَقِّ ۚ وَإِذَا سَأَلْتُمُوهُنَّ مَتَـٰعًا فَسْـَٔلُوهُنَّ مِن وَرَآءِ حِجَابٍ ۚ ذَٰلِكُمْ أَطْهَرُ لِقُلُوبِكُمْ وَقُلُوبِهِنَّ ۚ وَمَا كَانَ لَكُمْ أَن تُؤْذُوا۟ رَسُولَ ٱللَّهِ وَلَآ أَن تَنكِحُوٓا۟ أَزْوَٰجَهُۥ مِنۢ بَعْدِهِۦٓ أَبَدًا ۚ إِنَّ ذَٰلِكُمْ كَانَ عِندَ ٱللَّهِ عَظِيمًا ﴾ [الأحزاب: ٥٣]

Ibn Katheer (may Allah have mercy on him) said:

In other words: As I have prohibited you from visiting them, likewise, do not look at them at all. Even if one of you wants to get something from them, do not look at them or ask them for anything, except from behind a barrier.

قال ابن كثير:

أي وكما نهيتكم عن الدخول عليهن كذلك لا تنظروا إليهن بالكلية ولو كان لأحدكم حاجة يريد تناولها منهن فلا ينظر إليهن ولا يسألهن حاجة إلا من وراء حجاب.

Many of the scholars of Qur'anic interpretation have said that the 'hijab' mentioned in this verse (meaning 'screen' in this context) is particular to the wives of the Prophet (ﷺ).

Objectors, on the other hand, may say that the generality of the 'illah has been established from the implication of the verses. Therefore, Allah's saying: ﴾That is purer for your hearts and their hearts﴿ indicates a general ruling.

وقال كثير من المفسرين أن الحجاب المذكور في هذه الآية خاص بأزواج النبي ﷺ، وللمعترض أن يقول: إن عموم العلة الثابتة بمسلك الإيماء، وهي قوله تعالى: ﴿ذَٰلِكُمْ أَطْهَرُ لِقُلُوبِكُمْ وَقُلُوبِهِنَّ﴾ يفيد عموم الحكم. ولكن قد يقال غير ذلك، فقد أخرج البخاري عن أنس ﷺ عنه قال: قال عمر بن الخطاب ﷺ: يا رسول الله يدخل عليك البر والفاجر فلو أمرت أمهات

However, the opposite could also be said, as per the following hadith, reported on the authority of Anas (ﷺ): «'Umar ibn al-Khaṭṭâb (ﷺ) said: O Messenger of Allah! Both the pious and the immoral visit you, so what if you were to order the Mothers of the Believers with the hijab (to stay behind a curtain)? Allah, Most High, thereafter revealed the verse of the hijab.» (Bukhari)

The context of the verses, along with the instructions preceding and following the one about talking from behind a screen ﴾...do not enter the houses of the Prophet... or to marry his wives after him﴿, all imply that the ruling is specifically for the wives of the Prophet (ﷺ). The saying: ﴾...That is purer for your hearts and their hearts...﴿ does not refer to marrying the Mothers of the Believers after the Prophet's death, for this could not be imagined about them. The 'illah, we believe, is thus specific and not general.

المؤمنين بالحجاب فأنزل الله تعالىٰ آية الحجاب. وسياق الآيات ﴿لَا تَدْخُلُوا۟ بُيُوتَ ٱلنَّبِىِّ إِلَّآ ... وَلَآ أَن تَنكِحُوٓا۟ أَزْوَٰجَهُۥ...﴾ يشير إلىٰ الخصوصية. والمقصود من قوله: ﴿أَطْهَرُ لِقُلُوبِكُمْ﴾ عدم إضمار الزواج منهن بعده ﷺ، فإنه لا يظن بأمهات المؤمنين والصحابة غير ذلك. فالعلة إذًا فيما نرىٰ خاصة.

Perhaps the command about the hijab was revealed because many men used to enter the houses of Allah's Messenger (ﷺ), and since he was the foremost teacher of the Ummah, he could not prevent them from doing so. Still, it was his right to feel assured that his women were protected and that those coming and going would not develop any inappropriate intentions in their hearts.

ولعل الأمر بالحجاب هنا لكثرة دخول الرجال بيوت رسول الله ﷺ، ولكونه معلم الأمة الأول فلا يمكن منع الناس من بيوته، ولكن من حقه أن يشعر بحفظ حرماته وأن هؤلاء الداخلين الخارجين لا يقع في قلوبهم شيء من السوء. قد يقال: إن جزءًا من هذا يعم، فإن المرأة إذا كانت في

It is valid, however, to apply part of this ruling to all women who may not be dressed in their most appropriate attire at home. In this case, they should speak to strangers from behind a partition. This was the understanding of Shaykh al-Albâni (may Allah bestow mercy on him).

بيتها، وفي غير تمام هيئتها، وجب عليها أن تخاطب الزائر وصاحب الحاجة من وراء حجاب؛ أي: ساتر. (وكان هذا فهم الشيخ الألباني - رحمه الله - لهذه الآية).

Evidence from the Sunnah

دليلهم من السنة:

Allah's Messenger (ﷺ) has said:

«The prayer of a woman in (the family part of) her home is better than her prayer in the formal reception area, and her prayer in her own private quarters is better than her prayer in (the family part of) her home.» (Abu Dâwood)[45]

قول رسول اللّه ﷺ:

«صَلاةُ الْمَرْأَةِ في بَيْتِهَا أَفْضَلُ من صَلاتِهَا في حُجْرَتِهَا، وَصَلاتُهَا في مَخْدَعِهَا أَفْضَلُ من صَلاتِهَا في بَيْتِهَا».[٤٦]

In fact, the Mother of the Believers, 'Â'ishah (رضي الله عنها), said:

Had Allah's Messenger (ﷺ) seen what the women have started to do, he would have prevented them from (going to) the mosque, just as the women of *Bani* (the children of) Israel were prevented. (Muslim)

بل قالت أم المؤمنين عائشة رضي الله عنها: «لو أَنَّ رَسُولَ اللَّه ﷺ رَأَىٰ ما أَحْدَثَ النِّسَاءُ لَمَنَعَهُنَّ الْمَسْجِدَ كما مُنِعَتْ نِسَاءُ بَني إِسْرَائِيلَ».[٤٧]

The Prophet (ﷺ) also said:

قوله ﷺ: «الْمَرْأَةُ عَوْرَةٌ فَإِذَا خَرَجَتِ

[45] The chain of narrators of this hadith is sound and according to the conditions of Imam Muslim.

(٤٦) سنن أبي داود ج١/ ص١٥٦ عن ابن مسعود.

(٤٧) (ق) صحيح مسلم ج١/ ص٣٢٩.

The woman is 'awrah, and when she goes out, the devil makes her appealing in the eyes of men.»[48]

اسْتَشْرَفَهَا الشَّيْطَانُ» ضعفه ابن خزيمة وصححه الألباني.

On the subject of the woman being 'awrah, Ibn 'Abdul-Barr (may Allah have mercy on him) reported that ath-Thawri[49] said, "A woman has no better place than her home, even if she is elderly."

He further quoted 'Abdullâh ibn Mas'ood (رضي الله عنه), who said, "A woman is 'awrah, and the closest she gets to Allah is when she is in her own private quarters, for when she goes out, the devil makes her appealing in the eyes of men."[50]

Ath-Thawri also said, "These days, I do not like for women to go out to the Eid prayers."[51]

وفي كون المرأة عورة، ينقل ابن عبد البر رحمه اللّه عن الثوري[٥٢] فيقول: «وقال الثوري: ليس للمرأة خير من بيتها وإن كانت عجوزًا؛ قال الثوري رحمه اللّه قال عبد اللّه: «المرأة عورة وأقرب ما تكون إلىٰ اللّه في قعر بيتها فإذا خرجت استشرفها الشيطان».[٥٣] وقال الثوري: أكره اليوم للنساء الخروج إلىٰ العيدين»[٥٤].

[48] Ibn Khuzaymah declared this hadith to be weak, but al-Albâni graded it sound.

[49] Abu 'Abdullâh Sufyân ibn Sa'eed ibn Masrooq ath-Thawri (97-161 AH) was one of the greatest of the generation after the tâbi'oon. He was called 'the leader of the believers' in terms of being a scholar of Hadith; this is the highest ranking amongst the scholars of that discipline. He was born in Kufa (currently in Iraq).

[50] This hadith is graded as 'elevated', meaning that it is traced all the way back to the Prophet (ﷺ).

[51] Abu 'Umar Yoosuf ibn 'Abdullâh an-Namari Ibn 'Abdul-Barr, *at-Tamheed limâ fil-Muwatta' min al-Ma'âni wal-Asâneed*, ed. Muștafâ ibn Ahmad al-'Alawi and Muhammad 'Abdul-Kabeer al-Bakri (Morocco: Ministry of Endowments and Islamic Affairs, 1967), 23:401-402.

(٥٢) هو: أبو عبد اللّه سفيان بن سعيد بن مسروق الثوري، الكوفي، أمير المؤمنين في الحديث، ومن كبار أتباع التابعين، ولد في الكوفة سنة ٩٧هـ، وتوفي: سنة ١٦١ هـ.

(٥٣) وهو مرفوع من كلامه ﷺ.

(٥٤) التمهيد لابن عبد البر ج٢٣/ ص٤٠١-٤٠٢.

It was reported on the authority of Abu Hurayrah (رضي الله عنه) that Allah's Messenger (ﷺ) said:

«The best of the men's rows are the first, and the worst are the last, while the best of the women's rows are the last, and the worst are the first.» (Muslim)

An-Nawawi (may Allah have mercy on him) said about the prayers, "Indeed, the last rows of the women attending with the Messenger were preferred due to their distance from intermixing with men, and the criticism of the first rows is the opposite."

وعن أبي هريرة رضي الله عنه قال: قال رسول الله ﷺ: «خَيْرُ صُفُوفِ الرِّجَالِ أَوَّلُهَا وَشَرُّهَا آخِرُهَا، وَخَيْرُ صُفُوفِ النِّسَاءِ آخِرُهَا وَشَرُّهَا أَوَّلُهَا».٥٥ قال النووي رحمه الله: «وإنما فُضِّل آخر صفوف النساء الحاضرات مع الرجال لبعدهنّ عن مخالطة الرجال، وذمّ أولُ صفوفهن لعكس ذلك».

«Anas (رضي الله عنه) reported that his grandmother, Mulaykah (رضي الله عنها), invited Allah's Messenger (ﷺ) to share some food she had cooked, so he (ﷺ) ate of it and then said: Stand, so that I may pray for you. Anas ibn Mâlik (رضي الله عنه) said: So I stood and headed to a mat of ours, which had turned black from long use. I sprinkled it with water, and Allah's Messenger (ﷺ) stood upon it. An orphan boy and I formed a row behind him, and the elderly woman was behind us. Allah's Messenger (ﷺ) led us in two units of prayer and then left.» (Muslim)

وعن أنس رضي الله عنه «أَنَّ جَدَّتَهُ مُلَيْكَةَ دَعَتْ رَسُولَ اللَّه ﷺ لِطَعَام صَنَعَتْهُ فَأَكَلَ منه، ثُمَّ قال: «قُومُوا فَأُصَلِّيَ لَكُمْ». قال أَنَسُ بن مَالِكٍ: «فَقُمْتُ إلىٰ حَصِيرٍ لنا قد اسْوَدَّ من طُولِ ما لُبِسَ فَنَضَحْتُهُ بِمَاءٍ فَقَامَ عليه رسول اللَّه ﷺ وَصَفَفْتُ أنا وَالْيَتِيمُ وَرَاءَهُ وَالْعَجُوزُ من وَرَائِنَا فَصَلَّىٰ لنا رسول اللَّه ﷺ رَكْعَتَيْنِ ثُمَّ انْصَرَفَ»٥٦.

This elderly woman prayed behind her own grandson, which makes it clear

وهذه المرأة العجوز إنما تصلي خلف

(٥٥) صحيح مسلم ج١/ ص٣٢٦.

(٥٦) (ق) صحيح مسلم ج١/ ص٤٥٧.

that women can make rows behind men.

حفيدها للتأكيد علىٰ أن النساء يصففن خلف الرجال.

It was reported on the authority of Umm Salamah (رضي الله عنها), who said:

«When Allah's Messenger (ﷺ) had performed the *tasleem* (the act of saying *assalâmu 'alaykum*, the Islamic greeting that means 'peace be upon you' and indicates the end of the prayer), the women would stand immediately, while he would linger briefly before getting up.

Ibn Shihâb said: I see — and Allah (ﷻ) knows best — that he would linger in order to let the women leave before the men could catch up with them.» (Bukhari and Abu Dâwood)

وعن أم سَلَمَةَ رضي الله عنها قالت: «كَانَ رَسُولُ اللَّه ﷺ إِذَا سَلَّمَ قَامَ النِّسَاءُ حِينَ يَقْضِي تَسْلِيمَهُ وَمَكَثَ يَسِيرًا قَبْلَ أَنْ يَقُومَ. قَالَ ابْنُ شِهَابٍ: فَأُرَىٰ وَاللَّهُ أَعْلَمُ أَنَّ مُكْثَهُ لِكَيْ يَنْفُذَ النِّسَاءُ قَبْلَ أَنْ يُدْرِكَهُنَّ مَنِ انْصَرَفَ مِنَ الْقَوْمِ»٥٧

«It was reported on the authority of Ibn 'Umar that Allah's Messenger (ﷺ) said: What if we designate this door for the women?

Nâfi' said: Ibn 'Umar did not enter through it for the rest of his life.» (A sound hadith recorded by Abu Dâwood)

وعَنِ ابْنِ عُمَرَ قَالَ: «قَالَ رَسُولُ اللَّه ﷺ: «لَوْ تَرَكْنَا هَذَا الْبَابَ لِلنِّسَاءِ». قَالَ نَافِعٌ فَلَمْ يَدْخُلْ مِنْهُ ابْنُ عُمَرَ حَتَّىٰ مَاتَ»٥٨ رواه أبو داود في كتاب الصلاة، باب التشديد في ذلك.

Look at how the Prophet (ﷺ) took precautions to prevent the intermixing of men with women even in mosques, the purest of all spaces and the most beloved places on earth to Allah. He

فانظر - رحمك اللَّه - كيف راعىٰ النبي ﷺ منع اختلاط الرّجال بالنساء حتىٰ في أطهر الأماكن وأحبّ بقاع الأرض إلىٰ الله وهي المساجد، وذلك بفصل صفوف النّساء

(٥٧) رواه البخاري رقم (٧٩٣). ورواه أبو داود رقم ٨٧٦ في كتاب الصلاة وعنون عليه باب انصراف النساء قبل الرجال من الصلاة.

(٥٨) رواه أبو داود رقم (٤٨٤) في كتاب الصلاة باب التشديد في ذلك.

did this by separating the rows of the women from those of the men, by remaining seated after the tasleem until the women had left, and by assigning a special door of the mosque to be used by women only. If such precautions were taken in the mosque, a pure place of worship in which men and women are the furthest from the provocation of desire, taking such measures elsewhere is undoubtedly important.

عن الرّجال، والمكث بعد السلام حتىٰ ينصرف النساء، وتخصيص باب خاص في المسجد لهن. فإذا كانت هذه الإجراءات قد اتّخذت في المسجد وهو مكان العبادة الطاهر الذي يكون فيه النّساء والرّجال أبعد ما يكونون عن ثوران الشهوات فاتّخاذها في غيره ولا شكّ من باب أولىٰ.

It was reported on the authority of Ibn Jurayj, who said:

> 'Aṭâ' informed me that when Ibn Hishâm prevented women from performing the *ṭawâf* (circumambulation of the *Kaaba*, the House of Allah in Makkah) with men, 'Aṭâ asked: How does he prevent them when the wives of the Prophet (ﷺ) performed ṭawâf with men?
>
> I (Ibn Jurayj) asked: Was that after the (verses of the) hijab or before?
>
> He ('Aṭâ') replied: Yes, most verily, I saw that after the hijab.
>
> I asked: How did they intermingle with men?
>
> He said: They did not intermingle. 'Â'ishah (ﷺ) used to circle the Kaaba while separated from men (or to the side), not intermixing with them.
>
> A woman said: Let us kiss (or touch) the black stone, O Mother of the Believers. She replied: Forsake that, will you not? She herself refused. The female Companions would go out (covered enough to be) unnoticed at night and circle the Kaaba with men, but when they wanted to enter the House, they used to stand (wait for a while) until the men had come out.
>
> I ['Aṭâ'] would go to 'Â'ishah with 'Ubayd ibn 'Umayr while she was staying inside the mount of Thabeer.
>
> I [Ibn Jurayj] asked: And what was her hijab?
>
> 'Aṭâ' said: She was in a tent of Turkish felt, with a light screen. There was nothing else between her and us besides that, and I saw on her a rose-colored garment. (Bukhari)

ما رواه البخاري في صحيحه عن ابن جُرَيْجٍ قال: أخبرني عطاء إذ منع ابن هشام النساء الطَّوَافَ مع الرِّجَالِ، قال: «كَيْفَ يَمْنَعُهُنَّ وقد طَافَ نِسَاءُ النبي ﷺ مع الرِّجَالِ؟» قلت: «أَبَعْدَ الْحِجَابِ؟ أو قَبْلُ؟» قال: «إِي لَعَمْرِي لقد أَدْرَكْتُهُ بَعْدَ الْحِجَابِ». قلت: «كَيْفَ يُخَالِطْنَ الرِّجَالَ؟» قال: «لم يَكُنَّ يُخَالِطْنَ كانت عَائِشَةُ ﷺ تَطُوفُ حَجْرَةً من الرِّجَالِ لا تُخَالِطُهُمْ». فقالت امْرَأَةٌ: «انْطَلِقِي نَسْتَلِمْ يا أُمَّ الْمُؤْمِنِينَ». قالت: «عَنْكِ». وَأَبَتْ وكن يَخْرُجْنَ مُتَنَكِّرَاتٍ بِاللَّيْلِ فَيَطُفْنَ مع الرِّجَالِ وَلَكِنَّهُنَّ كُنَّ إذا دَخَلْنَ الْبَيْتَ قُمْنَ حتىٰ يَدْخُلْنَ وَأُخْرِجَ الرِّجَالُ وَكُنْتُ آتِي عَائِشَةَ أنا وَعُبَيْدُ بن عُمَيْرٍ وَهِيَ مُجَاوِرَةٌ في جَوْفِ ثَبِيرٍ. قلت: «وما حِجَابُهَا؟» قال: «هِيَ في قُبَّةٍ تُرْكِيَّةٍ لها غِشَاءٌ وما بَيْنَنَا وَبَيْنَهَا غَيْرُ ذلك وَرَأَيْتُ عليها دِرْعًا مُوَرَّدًا».[61]

Ḥâfidh ibn Ḥajar said in *Fatḥ ul-Bâri*: In the narration of al-Kushmeehani, [the word translated here as 'separated' is] *ḥajzah*, with the letter 'zay' [not *ḥajrah*, which would mean 'to the side'], which is the narration of 'Abdur-Razzâq. He explained it at the end, saying: It means separated from the men by a curtain.[59]

قال الحافظ في الفتح: «وفي رواية الكُشْمِيهَنِيِّ «حَجْزَة» بالزاي وهي رواية عبد الرزاق فإنه فسره في آخره، فقال: يعني محجوزًا بينها وبين الرجال بثوب».[62]

I referred back to *al-Muṣannaf*[60] and found the explanation of 'ḥajzah' towards the end of Umm Salamah's hadith, which

ولقد رجعت إلىٰ المصنف[63] فوجدت تفسير حجزة في آخر حديث أم سلمة التالي لحديث عائشة ﷺ.

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[59] Ibn Ḥajar, *Fatḥ al-Bâri*, 3:480.

[60] 'Abdur-Razzâq ibn Humâm aṣ-Ṣan'âni, *al-Muṣannaf 'Abdur-Razzâq*, ed. Ḥabeeb ar-Raḥmân al-A'dhami (Beirut: al-Maktab al-Islâmi, 1983), 5:68.

(٦١) صحيح البخاري ج٢/ ص٥٨٥.

(٦٢) فتح الباري ج٣/ ص٤٨٠.

(٦٣) مصنف عبد الرزاق ج٥/ ص٦٨.

follows this hadith of 'Â'ishah (ﷺ) and describes the same events.

This hadith is the basis for the prescription of having a barrier between men and women during ṭawâf and in prayer, because the Mother of the Believers did so in the presence of the Companions, and no one disputed with them about that.

وهذا الحديث أصل في مشروعية اتخاذ الساتر في الطواف والصلاة بين النساء والرجال، فإنه فعل أم المؤمنين بمحضر من الصحابة ولم ينكره أحد.

«Abu Usayd al-Anṣâri (ﷺ) related that as he was coming out of the mosque, men were mixing with women on the road. He heard Allah's Messenger (ﷺ) tell the women: Stay back; it is not for you to walk in the middle of the road. Keep to the sides of the street. After that, a woman would stick to the wall so closely while walking that her clothes could catch on it.»[64]

وقد روىٰ أبو أُسَيْدٍ الأَنْصَارِيّ ﷺ أَنَّهُ سَمِعَ رَسُولَ اللَّهِ ﷺ يَقُولُ وَهُوَ خَارِجٌ مِنَ الْمَسْجِدِ فَاخْتَلَطَ الرِّجَالُ مَعَ النِّسَاءِ فِي الطَّرِيقِ، فَقَالَ رَسُولُ اللَّهِ ﷺ لِلنِّسَاءِ: «اسْتَأْخِرْنَ فَإِنَّهُ لَيْسَ لَكُنَّ أَنْ تَحْقُقْنَ الطَّرِيقَ (تَسِرْن وسط الطريق) عَلَيْكُنَّ بِحَافَّاتِ الطَّرِيقِ». فَكَانَتْ الْمَرْأَةُ تَلْتَصِقُ بِالْجِدَارِ حَتَّىٰ إِنَّ ثَوْبَهَا لَيَتَعَلَّقُ بِالْجِدَارِ مِنْ لُصُوقِهَا بِهِ». ٦٥

The Messenger (ﷺ) said: «I have not left after me any fitnah more harmful to men than women.» (Muslim)

قال الرسول: «ما تَرَكْتُ بَعْدِي فِتْنَةً هِيَ أَضَرُّ علىٰ الرِّجَالِ من النِّسَاءِ»٦٦

[64] Related by Abu Dâwood. Declared weak by a group of scholars, among whom are Ibn Qattân in *al-Wahm wal-ee'hâm* and Ibn Mufliḥ in *al-Âdâb ash-Sharee'ah*. Al-Ḥâfidh declared it to be reliable in *Hidâyat ar-Ruwâh*, and so did al-Albâni in *Ṣaḥeeḥ Abu Dâwood*. Abu Dâwood remained silent about it.

(٦٥) رواه أبو داود في كتاب الأدب من سننه، باب: مشي النساء مع الرجال في الطريق. وضعفه جماعة منهم ابن القطان في الوهم والإيهام وابن مفلح في الآداب الشرعية؛ وحسنه الحافظ في هداية الرواة والألباني في صحيح أبي داود وكان أبو داود قد سكت عنه.

(٦٦) (ق) صحيح مسلم ج٤/ ص٢٠٩٧.

The hadith above contains clear instructions for those who are concerned about their faith to avoid places of ruin and to seek refuge in the fortress of pious caution. Its content should deter every mufti, however well-intentioned, from venturing into matters of this nature nonchalantly.

وفي الحديث ما يحمل الحريص علىٰ دينه أن يتجنب مواطن العطب ويلجأ إلىٰ حصون الورع. وفيه ما ينبغي أن يزجر المفتي عن التقحم في هذه الأبواب بغير روية حتىٰ وإن حسنت منه الطوية.

Rational explanations:

دليلهم من التعليل:

1. Blocking the means

١- سد الذرائع

One of the rules of the pure divine law is that if Allah (ﷻ) prohibits something, He also prohibits the ways and means which lead to it. The Most High has said:

﴿And do not approach unlawful sexual intercourse. Indeed, it is ever an immorality and is evil as a way.﴾ *(Qur'an 17: 32)*

من قواعد الشرع المطهر أن الله إذا حرّم شيئًا حرم الأسباب والطرق المفضية إليه، قال تعالىٰ:

﴿ وَلَا تَقْرَبُوا الزِّنَىٰٓ إِنَّهُۥ كَانَ فَٰحِشَةً وَسَآءَ سَبِيلًا ﴾ [الإسراء: ٣٢]

The temptation of desire between the sexes is a great danger, so it is essential to be firm in cutting off all means to it.

وفتنة الشهوة بين الجنسين عظيمة الخطر، فينبغي الحزم في قطع ذرائعها.

In this respect, al-Kâsâni has said, "Since women's going out is undoubtedly a cause of fitnah, and fitnah is ḥarâm, then whatever leads to ḥarâm is ḥarâm."[67]

وفي ذلك يقول الكاساني رحمه الله: «ولأن خروجهن سبب الفتنة بلا شك، والفتنة حرام، وما أدىٰ إلىٰ الحرام فهو حرام». ٦٨

[67] al-Kâsâni, *Badâ'i' aṣ-Ṣanâ'i'*, 1:275. See also an-Nawawi, *al-Majmoo'*, 5:12.

(٦٨) بدائع الصنائع ج١/ ص٢٧٥ وانظر المجموع ج٥/ ص١٢.

Ibn al-Qayyim (may Allah have mercy on him)[69] said:

> There is no doubt that enabling women to intermingle with men is the basis for every affliction and evil, and it is one of the greatest causes for general punishments to be sent down. Also, it is one of the causes of destruction, both public and individual. Men's intermixing with women is one of the causes of rampant sin and unlawful sex, which in turn leads to mass mortality and continuous epidemics. When the prostitutes intermingled with Moses' soldiers and illicit sexual relations became widespread, Allah sent a plague upon them, and seventy thousand of them died in one day.[70]

ويقول ابن القيم[٧١] رحمه اللَّه: «ولا ريبَ أن تمكينَ النساء من اختلاطهن بالرجال أصلُ كلِّ بلية وشر، وهو من أعظم أسباب نزول العقوبات العامة، كما أنه من أسباب فساد أمور العامة والخاصة، واختلاط الرجال بالنساء سببٌ لكثرة الفواحش والزنا، وهو من أسباب الموت العام، والطواعين المتَّصلة، ولمَّا اختلط البغايا بعسكر موسىٰ وفشت فيهم الفاحشة أرسل اللَّه عليهم الطاعون، فمات منهم في يوم واحدٍ سبعون ألفًا».[٧٢]

2. Dissatisfaction with one's husband or wife

٢- عدم الرضا عن الزوج أو الزوجة، وهو واقع ومشاهد، والمرء يكون

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[69] Shams ud-Deen Abu 'Abdullāh Muhammad ibn Abi Bakr, known as Ibn al-Qayyim, was a Ḥanbali jurist and a student of Imam Ibn Taymiyah. He was an erudite encyclopaedic researcher and one of the greatest reformers and scholars, given to devotion. He was able to purify the matters of purification of the soul from the excesses of some of the scholars of the discipline who were less able to verify information. He was born in Damascus in 691 AH and died there in 751 AH.

[70] Abu 'Abdullāh Shams ud-Deen Muḥammad ibn Abi Bakr Ibn al-Qayyim, *aṭ-Ṭuruq al-Ḥukmiyah fis-Siyāsat ash-Shar'eeah*, ed. Muḥammad Jameel Ghāzi (Cairo: Maṭba'at al-Madani, n.d.), 407-408.

(٧١) هو: شمس الدين أبو عبد اللَّه محمد بن أبي بكر بن أيوب بن سعد الزُّرَعِيّ الدِّمَشْقِيّ الحنبلي، المعروف بابن القَيِّم، الفقيه المحدث، والمفسر المؤرخ، من أركان الإصلاح الإسلامي الربانيين، وأحد كبار العلماء العاملين، والنساك المحققين. مولده في دمشق سنة ٦٩١هـ. تتلمذ للإمام ابن تَيمِيَّة، وهو أولىٰ تلاميذه به. ووفاته: بدمشق.

(٧٢) الطرق الحكمية ٤٠٧-٤٠٨.

This is happening in reality, and it is easy to behold. People are at their best and in full form in front of strangers, but while in their house, they are somewhat less than that. So perhaps a man sees his friend's wife and admires the softness of her voice, the delicacy of her frame, the sway of her walk, or even the excellence of her manners and the superiority of her intellect. Meanwhile, this woman looks at the husband of her sister or her friend and likes his sound logic, his stylish clothing, the respect he commands, or something else. People's eyes inevitably wander to what is in the hands of others. Thus, families who are afflicted by complacency in this issue, who sit all evening chatting in mixed company, will come to witness unenviable consequences.

في أحسن أحواله وتمام هيئته أمام الغرباء، ويكون في بيته في حال دون ذلك. فهذا يعجبه من امرأة صاحبه رخامة صوتها أو دقة قدها أو ميسانها في مشيتها أو حتىٰ حسن أدبها ورجاحة عقلها، وتلك يعجبها من زوج أختها أو صاحبتها سلامة منطقه أو حسن بِزته أو وقاره أو غير ذلك. وابن آدم تصبو عينه إلىٰ ما في يد غيره، فمن ابتلي بالتهاون في هذا الأمر من العائلات، فجلس للسمر الرجال والنساء الأوقات الطوال مختلطين، ظهر فيهم ما لا يحمد عقباه.

3. Someone might be able to keep himself in line, but he can never guarantee the feelings of others. Indeed, another person's attachment to him might bring about harm for him, even if he does not show the same feelings in return.

٣- إن الإنسان قد يحمل نفسه علىٰ التزام الأدب، ولكنه لا يستطيع أن يضمن مشاعر الآخرين وقد يرجع تعلقهم به عليه بالضرر وإن لم يبادلهم ذات المشاعر.

4. Frequent mingling may lead to a loss of men's integrity and the diminishment of their manliness, to the point of becoming effeminate in the way they sit and talk, in their body language, and in terms of gestures and both voluntary and involuntary

٤- كثرة الاختلاط قد تؤدي إلىٰ ضياع هيبة الرجال وذهاب فحولتهم، بل تأنث بعضهم في الجلسة والحديث ولغة الأبدان من إشارات وحركات إرادية ولا إرادية. وقد تؤدي إلىٰ تجرؤ

movements. It might also lead to women being very audacious and less modest. Although men and women should share the qualities of courage and mercy and confidence and sympathy, among other human virtues, there is a difference that must be maintained. Harmony of the family and the society cannot exist without recognizing this difference between men and women — a difference not only in their physical makeup, but also in their emotional and behavioral composition. Indeed, this is one of the conditions for obtaining perfect balance between gender roles.

النساء وقلة حيائهن. وعلىٰ الرغم من أن الرجال والنساء ينبغي أن يشتركوا في الفضائل البشرية كالشجاعة والرحمة والثقة بالنفس والعطف ولكن ثمة فروق وليس تسلم الأسر والمجتمعات إلا بالاختلاف بين الجنسين الذي لا يقتصر علىٰ التكوين العضوي بل والنفسي والسلوكي كذلك. إن هذا من شروط حصول التكامل بين أدوار الجنسين.

5. The permitters argue that intermixing curbs the desires, disciplines the instincts and protects against repressed emotions and psychological complexes. The more conservative scholars replied to this argument by pointing out that none of that has happened in societies where intermixing and such permissiveness is common. On the contrary, it has just made the situation worse. Each year, in the U.S. alone, there are more than 200,000 people who are subjected to rape or sexual assault, and this number does not include victims under the age of twelve. Someone is sexually assaulted every two minutes; 38% of the rapists are

٥- أجابوا عن قول المجوزين بأن الاختلاط يكسر الشهوة، ويهذب الغريزة، ويقي من الكبت والعقد النفسية، بأن شيئًا من ذلك لم يحصل في المجتمعات التي يكثر فيها الاختلاط وتلك الإباحية، بل زادهم خبالًا، ففي أمريكا وحدها وفي عام واحد هو ٢٠٠١ تعرضت أكثر من مائتي ألف امرأة إلىٰ الاغتصاب أو الاعتداء الجنسي من غير حساب عدد المغتصبات دون الثانية عشر. وتغتصب امرأة كل دقيقتين، و٣٨٪ منهن يغتصبن من المعارف و٧٪ من

friends or acquaintances, and 7% are relatives. More than half of these incidents take place at the victim's home or within a mile of it.[73]

And it doesn't stop there. In the United States alone, more than 100,000 children are waiting for families to adopt them because they have no parents to take care of them.[74]

Do the Muslims want any of that for their communities, whether in the West or the East? We must remember that reactionary responses are behind most of the deviation from the moderate path of the religion.

الأقارب.[٧٥] ومعظمهن يغتصبن في بيوتهن أو في محيط ميل واحد منها. إن الأمر لا يقف علىٰ ذلك، بل إنه في الولايات المتحدة وحدها مائة ألف طفل ينتظرون عائلات تتبناهم لأنهم لا آباء لهم يرعونهم. فهل شيء من هذا يريد المسلمون لمجتمعاتهم سواء في الغرب أو الشرق؟[٧٦] ولكن في نفس الوقت فإن ردود الأفعال غير المحسوبة أصل أكثر الانحراف عن وسطية الدين.

73 "Statistics", Rape, Abuse & Incest National Network (RAINN), accessed January 25, 2012, http://www.rainn.org/statistics.

74 "Trends in Foster Care and Adoption—FY 2002-FY 2010", U.S. Department of Health and Human Services Children's Bureau, accessed January 25, 2012, http://www.acf.hhs.gov/programs/cb/stats_research/afcars/trends_june2011.pdf.

75 "Statistics", Rape, Abuse & Incest National Network (RAINN), accessed January 25, 2012. http://www.rainn.org/statistics.

76 "Trends in Foster Care and Adoption—FY 2002-FY 2010", U.S. Department of Health and Human Services Children's Bureau, accessed January 25, 2012, http://www.acf.hhs.gov/programs/cb/stats_research/afcars/trends_june2011.pdf.

Accord

التوفيق

Perhaps it appears from the previous exposition of evidence that it is not possible to issue a single ruling on something called 'ikhtilāṭ', or 'intermixing', without explanation and detail.

لعله يظهر من استعراض ما سبق من الأدلة أنه لا يمكن إصدار حكم واحد عن شيء اسمه الاختلاط من غير بيان وتفصيل.

It also appears that the ruling on men interacting with women differs according to the ages of the individuals involved, the type of situation, the nature of the interaction and the level of necessity for it. Before going into detail, it is necessary to specify certain guidelines over which there should, ideally, be no differences.

إن الذي يظهر أن حكم اختلاط الرجال بالنساء يختلف بحسب أعمار الرجال والنساء وبساط الحال وطبيعة المخالطة والحاجة الداعية إليها. ولكن قبل الكلام عن هذه التفصيلات، ينبغي من ذكر بعض الضوابط التي لا ينبغي الاختلاف بشأنها.

Restrictions that are not subject to debate

الضوابط التي لا ينبغي الاختلاف بشأنها

The prohibition of seclusion

تحريم الخلوة

This is a matter of consensus as per the following hadith, where the Prophet (ﷺ) said:

«No man should ever be alone with a woman except when she has a *maḥram* (non-marriageable male relative) with her.» (Muslim)

وهذا أمر مجمع عليه؛ لقوله ﷺ:

«لَا يَخْلُوَنَّ رَجُلٌ بِامْرَأَةٍ إلا وَمَعَهَا ذُو مَحْرَمٍ».[٧٧]

Keeping the *'awrah* covered

الالتزام بستر العورات

Allah (ﷻ) has said:

﴿... and not expose their adornment except to their husbands...﴾ *(Qur'an 24:31)*

قال تعالىٰ:

﴿ ... وَلَا يُبْدِينَ زِينَتَهُنَّ إِلَّا لِبُعُولَتِهِنَّ ...﴾ [النور: ٣١]

Hijab is a code of conduct to be followed, not just a garment to be worn.

الحجاب أدب يُسْلَك، وليس فقط ثوبًا يُلْبَس.

It is not permissible for a Muslim woman to find ways to display those

فلا يحل للمرأة المسلمة التحايل

(٧٧) (ق) صحيح مسلم ج٢/ ص٩٧٨.

parts of her adornment which should remain covered, nor should she do anything that is seductive and may cause men to sinfully incline towards her. The Most High has said:

﴿...And let them not stamp their feet to make known what they conceal of their adornment...﴾ *(Qur'an 24: 31)*[78]

لإظهار ما خفي من زينتها، ولا تفعل ما يغري بها، يقول تعالىٰ:

﴿وَلَا يَضْرِبْنَ بِأَرْجُلِهِنَّ لِيُعْلَمَ مَا يُخْفِينَ مِن زِينَتِهِنَّ﴾ [النور: ٣١]

She should also not converse with men in a soft, flirtatious voice; instead she should speak in a businesslike, serious and respectable way. On this point, Allah (ﷻ) has said:

﴿... do not be soft in speech [to men], lest he in whose heart is disease should covet, but speak with appropriate speech.﴾ *(Qur'an 33: 32)*

ولا تخضع بالقول في كلامها مع الرجال، بل تعرض حاجتها بجد والتزام، وفي ذلك يقول الله:

﴿ فَلَا تَخْضَعْنَ بِٱلْقَوْلِ فَيَطْمَعَ ٱلَّذِى فِى قَلْبِهِۦ مَرَضٌ وَقُلْنَ قَوْلًا مَّعْرُوفًا ﴾ [الأحزاب: ٣٢]

For a woman, lowering the voice is a part of expressing her good manners. Allah's Messenger (ﷺ) also indicated this when he told the men:

«Why is it that I have seen you clapping so much? Whoever has a concern in his prayer should say: *Subhân Allah* (Glory be to Allah), for verily, if he says this, he will be noticed. Surely, clapping is for women.» (Muslim)

This hadith is about what to do during prayer, yet it indicates the difference between the voice of a woman and

إن خفض المرأة لصوتها من حسن الأدب، وقد أشار إلىٰ هذا المعنىٰ رسول الله ﷺ حيث قال للرجال: «مالي رَأَيْتُكُمْ أَكْثَرْتُمْ التَّصْفِيقَ من نَابَهُ شَيْءٌ في صَلاتِهِ فَلْيُسَبِّحْ فإنه إذا سَبَّحَ الْتُفِتَ إليه وَإِنَّمَا التَّصْفِيقُ لِلنِّسَاءِ».[79] إن هذا الأمر في الصلاة، وفيه إشارة إلىٰ الفرق بين صوت المرأة والرجل، ولكنه لا يعني بحال أن المرأة لا تتكلم في المسجد، بل وتناقش وتراجع، فهذه المجادلة قد

[78] Before Islam, women would wear anklets and stamp their feet so that the sound of their anklets would draw the attention of men. (Editor)

(٧٩) (ق) صحيح مسلم ج١/ ص٣١٦.

that of a man. Nevertheless, this does not in any way mean that a woman may not speak in the mosque. On the contrary, she may engage in discussion and offer arguments.

Take, for example, *al-Mujâdilah* (meaning 'the woman who disputed'). Her Lord heard her from above the seven heavens. She had come to complain to the Prophet (ﷺ), the best of His creation and the head of the leaders and scholars, concerning an incident that had taken place between her husband and her. Contrast this with Paul, whom Christians consider to be an apostle. He ordered women to remain silent in the church, while Muhammad (ﷺ), the apostle of truth and guidance, let women dispute with him. In the case of this woman, her Lord (ﷻ) defended her and supported her argument with Qur'anic verses to be recited until the end of this world. Her case has been immortalized, for even the name of this chapter of the Qur'an (Chapter 58, al-Mujâdilah) reminds us of her.

سمعها ربها من فوق سبع سماوات وهي تجادل خير خلقه وسيد الأئمة والعلماء فيما كان بينها وبين زوجها. إن بولس، الذي يسميه النصارىٰ رسولًا، قد أمر بأن تصمت النساء في الكنائس، ومحمد رسول الحق والهدىٰ قد اتسع صدره لامرأة تجادله، ثم نصرها ربها وأيد حجتها بآيات تتلىٰ إلىٰ انقضاء الدنيا.

Returning to the topic at hand, women have been instructed not to walk with a swaying gait or to allow their manner of walking to contain anything which attracts men's attention towards them. Allah's Messenger (ﷺ) said about these women who sway when they walk and make men's hearts incline towards them:

ولا تتمايل في مشيتها أو يكون فيها ما من شأنه لفت انتباه الرجال إليها. يقول رسول اللَّه ﷺ عن المرأة التي تتمايل في مشيتها فتميل قلوب الرجال: «...وَنِسَاءٌ كَاسِيَاتٌ عَارِيَاتٌ مُمِيلَاتٌ مَائِلَاتٌ رؤوسهن كأسنمة الْبُخْتِ الْمَائِلَةِ لَا يَدْخُلْنَ الْجَنَّةَ ولا

«...and women who are dressed yet appear naked, who are inclined to evil and make others incline towards it also. Their heads are like the humps of camels leaning over to one side. They will not enter paradise, nor will they find its scent, even though its scent is surely present at a distance of such-and-such and such-and-such.» (Muslim)

يَجِدْنَ رِيحَهَا وَإِنَّ رِيحَهَا لَيُوجَدُ من مَسِيرَةِ كَذَا وَكَذَا». ٨٢

Women should not wear perfume or clothing that draws attention for being distinctively unique. In a hadith:

«Do not prevent Allah's slave-women from going to Allah's mosques.» (Muslim)

Abu Dāwood added:

«Let them go out without wearing perfume.»[80]

An-Nawawi said, "...meaning unscented [and the hadiths on this topic are many], and because if she wears perfume and attractive, distinctive clothing, this invites corruption."[81]

ولا تتعطر ولا تلبس ثوب شهرة، ففي حديث «لا تَمْنَعُوا إِمَاءَ اللَّهِ مَسَاجِدَ اللَّهِ». ٨٣ زاد أبو داود «وليَخْرُجْنَ تَفِلات». ٨٤ قال النووي: «أي غير متعطرات»، [والأحاديث في ذلك كثيرة]؛ ولأنها إذا تطيبت ولبست الشهرة من الثياب دعا ذلك إلىٰ الفساد». ٨٥

[80] an-Nawawi decreed this addition to be reliable in *al-Majmoo'*, 5:12.

[81] an-Nawawi, *al-Majmoo'*, 5:12.

(٨٢) صحيح مسلم ج٣/ ص١٦٨٠.

(٨٣) (ق) صحيح مسلم ج١/ ص٣٢٧ عن ابن عمر.

(٨٤) وحسن الزيادة النووي في المجموع ج٥/ ص١٢.

(٨٥) المجموع ج٥/ ص١٢.

The prohibition of physical contact

تحريم تلامس الأبدان

The scholars of fiqh are in agreement about the prohibition of non-maḥram individuals of opposite sexes touching each other, although some have made an exemption for shaking hands with elderly men or women.

فإن الفقهاء قد اتفقوا علىٰ حرمة لمس الأجنبية، إلا أن منهم من رخص في مصافحة العجوز. ولا ينبغي التهاون في ذلك بين المسلمين.

As for seeking concessions in the matter of shaking hands to conform to the culture of one's country, this requires some detail.

أما التفريط في أمر المصافحة لموافقة الثقافة السائدة، فيحتاج إلىٰ تفصيل:

First of all, without a doubt, one's location and the implications of conforming to or rejecting certain practices might affect the Islamic ruling. Waiving the Islamic penal code can only be done during exceptional circumstances, such as during times of war. In the same vein is what Imam Ibn Taymiyah[86] (may Allah have mercy on him) has mentioned about following the disbelievers

أولًا: نحن لا نشك أن اختلاف المكان وما يتبعه من تغير الواقع قد يؤثر علىٰ الفتوىٰ الشرعية، وما إسقاط الحدود في دار الحرب إلا من هذا الباب، ومنه ما ذكره الإمام ابن تيمية رحمه الله ٨٧ من عدم مخالفة الكفار في الهدي الظاهر في دارهم، قال: «ومثل ذلك اليوم: لو أن المسلم بدار

[86] Shaykh ul-Islam, Taqiy ud-Deen Aḥmad ibn Mufti 'Abdul-Ḥaleem ibn al-Majd Abi al-Barakāt 'Abdus-Salām ibn Taymiyah (661-728 AH) was a Ḥanbali jurist, a great reformist, encyclopaedic researcher, prolific writer and jurist who was able to verify information. He participated in the jihad against the Mongols and also led an intellectual jihad against innovation in the religion and corruption in politics. He was born in Ḥarrān (in Syria).

(٨٧) هو: تقي الدين أبو العباس أحمد بن المفتي عبد الحليم بن المجد أبي البركات عبد السلام الحَرَّانِيّ الدِّمَشْقِيّ، الحنبلي، ابن تَيْمِيَّة: الإمام المجدد، الحافظ المحقق، الفقيه المدقق، العالم العامل، المجاهد الفاضل، شيخ الإسلام. ولد في حران سنة ٦٦١هـ وتوفي: سنة ٧٢٨هـ

in terms of their outward appearance in their lands.

He said: Today if Muslims are in the abode of war, or in the abode of disbelievers who are non-combatants [that is, the abode of treaty], they are not commanded to contradict the disbelievers in their outward appearance, since that would bring them harm. Rather, it might be preferable or obligatory to conform sometimes in outward appearance if there would be a religious benefit in that, in terms of calling the people to Islam or seeing their affairs from the inside in order to inform the Muslims about that [in the abode of war], to prevent them from harming the Muslims, or anything of the sort from among pious objectives.[88]

حرب أو دار كفر غير حرب لم يكن مأموراً بالمخالفة لهم في الهدي الظاهر لما عليه من الضرر. بل قد يستحب للرجل أو يجب عليه أن يشاركهم أحيانًا في هديهم الظاهر إذا كان في ذلك مصلحة دينية من دعوتهم إلىٰ الدين والاطلاع علىٰ باطن أمرهم لإخبار المسلمين بذلك أو دفع ضررهم عن المسلمين ونحو ذلك من المقاصد الصالحة».[٨٩]

It must be noted that the words of the Shaykh of Islam do not sanction abandoning obligations or doing anything prohibited. The fact that one has relocated to another country is no excuse to start committing sins, indulge in prohibited acts or neglect religious injunctions and obligations, thus combining migration away from the lands of Islam with greater sins which will necessarily take one further away from Allah

ولكن المذكور في كلام شيخ الإسلام لا يتعلق بترك الواجبات أو فعل المحرمات، وتغير الدار لا ينبغي أن يجرئ المرء علىٰ مقارفة الآثام والمحرمات والتفريط في الأوامر والواجبات فيجمع إلىٰ هجرته من بلاد الإسلام إلىٰ غيرها إثمًا وحوبًا يزيده من اللّه بعدًا. إن الفقهاء متفقون علىٰ أن المسلم مكلف بشرائع الإسلام في كل

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[88] Ahmad ibn 'Abdul-Ḥaleem Ibn Taymiyah, *Iqtiḍa' aṣ-Ṣirāṭ al-Mustaqeem Mukhālafah Aṣ-ḥab al-Jaheem*, ed. Muḥammad Ḥamid al-Fiqi (Cairo: Maṭba'at as-Sunnat al-Muḥammadiyah, 1950), 176-177.

(٨٩) اقتضاء الصراط المستقيم ١٧٦ - ١٧٧.

All scholars of fiqh have agreed that Muslims are accountable for the rites and injunctions of Islam in any location, except in cases where there are differences concerning some transactions, and that is not our concern here.

مكان، إلا ما كان من خلاف بعضهم في بعض أبواب المعاملات، وهذا شأن آخر غير ما نحن فيه.

Secondly, if the intention is to apply this culture to that of the Muslims, then there is nothing more obviously corrupt than this point of view. If the intent is to attach little importance to this issue with non-Muslims, this is also corrupt. However, if what is intended is to make certain exceptions to avoid great embarrassment should a Muslim be approached for a handshake, then perhaps the matter is less serious, for the following reasons:

ثانيًا: فإن كان المقصود سحب تلك الثقافة علىٰ ما يكون بين المسلمين، فما أظهر فساد هذا الرأي، أو كان المقصود التهاون في ذلك مع غير المسلمين، ففاسد أيضًا، ولكن إن قُصِد بعض الترخص لدفع حرج ما إذا بدئ المسلم بالمصافحة، فلعل الأمر يكون هنا أهون، وذلك للأسباب الآتية:

There is no doubt that the strength of the ruling depends on the weight of the evidence, in terms of authenticity and textual implications. Concerning the prohibition of shaking hands with the opposite gender, the Prophet (ﷺ) said: «Indeed, I do not shake hands with women.»[90]

This does not reach the level of prohibition. The most it can indicate is that it probably falls somewhere among three categories: prohibited, disliked and another layer that is between disliked and merely permissible (so that

لا شك أن قوة الحكم ترجع إلىٰ قوة الدليل من حيث الثبوت والدلالة، وفي تحريم المصافحة جاء قوله ﷺ: «إني لا أصافح النساء» ولا ينتهض للتحريم وغاية ما يفيده الاحتمال المتردد بين التحريم والكراهة والتنزه، وهو إلىٰ الكراهة أقرب لأن الحال يقتضي أخذ البيعة من هؤلاء النساء وعدم إحراجهن، فلا يقوىٰ أن يكون تركه لها تنزهًا، فيتردد الحكم بين الكراهة والتحريم والمتيقن الكراهة.

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[90] at-Tabarāni in *al-Mu'jam ul-Kabeer*, 24/342; authenticated in *Ṣaḥeeḥ al-Jāmi'*, 8054

even if it is not clear that the action is disliked, a person with a strong commitment to religion and a high level of integrity would choose not to do it). It is closer to being disliked, though, because this situation required the Prophet (ﷺ) to take the pledge of allegiance from women and not put them in an embarrassing position. Thus his act (of not shaking hands with women) was not simply out of a desire to preserve the highest level of integrity; therefore, the ruling falls somewhere between being disliked and being prohibited. What is certain is that it is at least disliked.

The Prophet (ﷺ) also said:

«That a man be speared through the head with an iron needle would be better than for him to touch a woman who is not permissible for him.»[91]

أما قوله ﷺ: «لأن يطعن في رأس رجل بمخيط من حديد خير من أن يمس امرأة لا تحل له».[٩٢] فلفظ المس فيه مشترك، وأكثر استعماله الشرعي في الجماع.

The word that is translated here as 'touch' is a homonym, having more than one meaning. In Sharia terminology, it is most frequently used to refer to sexual intercourse.

The prohibition of shaking hands with the opposite gender falls into the category of prohibiting the means leading to the ḥarâm; it is not, in its essence, ḥarâm. Something that is prohibited because it may lead to a major sin is less evil in

أن تحريم المصافحة من باب تحريم الوسائل لا المقاصد، ومحرمات الوسائل دون محرمات المقاصد.

[91] Reported by at-Tabarâni, al-Bayhaqi and others. Authenticated by al-Albâni in Muhammad Nâṣir ud-Deen al-Albâni, *Silsilat al-Ahâdeeth as-Saheehah* (Riyadh: Maktabat al-Ma'ârif, 1995), 226.

(٩٢) السلسلة الصحيحة ٢٢٦.

degree than something that is prohibited in itself for its essence.

The agreement of our jurists on the prohibition of men shaking hands with young women and vice versa is enough for us to refrain from this act which is, without doubt, not a practice of the Muslims, and which does open the door to greater evils. Muslims must not be the first to extend their hand. They must let those around them — their neighbors or co-workers — know that they do not shake hands with members of the opposite sex. However, if they were to shake hands on rare occasions when someone initiates a handshake, in order to avoid some sort of significant embarrassment, we hope that they would be forgiven.

وفي اتفاق فقهائنا على المنع من مصافحة الشواب ما يكفي لردعنا عن هذا العمل الذي لا يشك فيه أنه ليس من هدي المسلمين، حيث أنه يفتح الباب إلى شرور أعظم، وينبغي على المسلم ألا يبدأ بالمصافحة وأن ينمي إلى علم من حوله من الجيران أو زملاء العمل أنه لا يصافح النساء، فإن صافح على وجه الندرة من بدأه لدفع حرج ما فيرجى أن يغفر له ذلك.

The prohibition of mixed crowds and bodies touching; how to foster a suitable environment in the mosques

منع التزاحم والتضام، مع الحرص على توفير البيئة المناسبة في المساجد

This is apparently justifiable, for Allah's Messenger (ﷺ) designated one door of the mosque for women. Also, refer to his prohibition of women walking in the middle of the road,[93] as well as the

وهو ظاهر الوجاهة وقد جعل رسول الله ﷺ للنساء بابًا يختص بهن، وارجع إلى نهيه ﷺ للنساء أن يحققن الطريق[٩٤] وانظر حديث عائشة أعلاه وتركها لاستلام

Narrated by Abu Dâwood; the hadith, even if it has its criticism, has been strengthened by the one preceding it, as well as by the basic principles of Sharia.

(٩٤) سنن أبي داود ج٤/ ص٣٦٩. والحديث وإن كان فيه مقال، فإن ما قبله يشهد له، وأصول الشريعة كذلك.

aforementioned narration of 'Â'ishah (ﷺ) about when she refrained from kissing the black stone, in which we find that "...when they wanted to enter the House, they used to stand (wait for a while) until the men had come out..."

الحجر، وفيه: «كُنَّ إذا دَخَلْنَ الْبَيْتَ قُمْنَ حتىٰ يَدْخُلْنَ وَأُخْرِجَ الرِّجَالُ».

Lowering the gaze

مراعاة غض البصر

The Most High has said:

﴿Tell the believing men to reduce [some] of their vision and guard their private parts. That is purer for them. Indeed, Allah is Acquainted with what they do. And tell the believing women to reduce [some] of their vision and guard their private parts...﴾ *(Qur'an 24: 30-31)*

قال تعالىٰ:

﴿قُل لِّلْمُؤْمِنِينَ يَغُضُّوا مِنْ أَبْصَٰرِهِمْ وَيَحْفَظُوا فُرُوجَهُمْ ۚ ذَٰلِكَ أَزْكَىٰ لَهُمْ ۗ إِنَّ اللَّهَ خَبِيرٌۢ بِمَا يَصْنَعُونَ﴾. [النور: ٣٠]

Thus, no one should look at the 'awrah of another, look with desire, or repeat a coincidental glance, without need.

فلا ينظر أحد إلىٰ أي عورة سواء كان ذلك بشهوة أو بغير شهوة إلا للضرورة، ولا يكرر النظر إلا لحاجة.

Avoiding indecency and joking around

تجنب الفحش والعبث

All Muslim parents should raise their sons and daughters to be modest, for that is the signature characteristic of Islam. Allah's Messenger (ﷺ) said: «Verily, every religion has its signature characteristic, and the signature

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(٩٥) سنن ابن ماجه ج٢/ ص١٣٩٩.

characteristic of Islam is modesty.» (Recorded by Ibn Mâjah with a reliable chain of narrators)

It follows from this hadith that they should refrain from indecent and obscene speech. They should also avoid laughing and joking together, for Satan is never closer to their hearts than when they are in this state in informal mixed gatherings. This point is usually countered with the following report:

The Prophet (ﷺ) joked with a woman about her husband, saying (according to his biographers): Your husband is the one whose eyes are white (customarily meaning blinded by cataracts, but he meant the normal white of the eye).

There is disagreement over this hadith, as al-'Irâqi mentioned in his revision and annotation of *Iḥyâ' 'Uloom al-Deen.* Even if one supposes it to be sound, the situation of the Prophet (ﷺ) with this woman is in no way similar to boys and girls getting together to laugh and joke around. As for elderly women, there is nothing wrong with speaking to them in jest. On the contrary, it may even be recommended in certain situations. In fact, Allah's Messenger himself (ﷺ) also did so, and it was only a result of his good manners and humility.

معروفًا ولا يتمازحوا ويتضاحكوا، فما أقرب إبليس من قلوبهم وهم علىٰ تلك الحال. فإن قيل إن الرسول ﷺ مازح امرأة جاءت تسأله عن زوجها، فقال لها: «زوجك الذي في عينه بياض»، فالحديث فيه اختلاف كما ذكره العراقي في تخريج الإحياء، فإن صح، فليس حال رسول الله مع هذه المرأة كحال الفتيان والفتيات المجتمعين للتضاحك والتمازح. أما العجوز، فلا بأس من ممازحتها، بل قد يستحب في بعض الأحوال، وقد فعله رسول الله ﷺ، وهو من حسن أدبه وتواضعه.

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Minding the principle of women abiding in their homes and that their homes need them

مراعاة مبدأ القرار وحاجة البيوت إلى النساء

It is permissible for a woman to leave her home to study, work or fulfill other needs, as per the following hadith:

«When the maternal aunt of Jâbir (may Allah be pleased with them) was divorced, and she wanted to leave her home to attend to her palm trees, a man reprimanded her for going out during her waiting period.

She went to the Prophet (ﷺ), who told her: No, attend to your date palms (it said pick, and she was most likely going to observe the picking), for perhaps you will give charity or do something good.» (Muslim)

يجوز للمرأة أن تخرج للدراسة والعمل وقضاء حوائجها، فلقد قال رسول الله ﷺ لخالة جابر رضي الله عنه وقد طلقت فأرادت الخروج، فزجرها رجل: «بَلَىٰ فَجُدِّي [أو جذي بالمعجمة] نَخْلَكِ فَإِنَّكِ عَسَىٰ أَنْ تَصَدَّقِي أو تَفْعَلِي مَعْرُوفًا».[٩٦]

However, even if women are permitted to go outside the home to work, fulfill their needs, or visit the mosque, we should not be neglectful of the default instruction of remaining at home. The hadith specifying that it is better for a woman to pray inside her home also issues a warning to women not to come and go frequently, visiting one place after another as some women do. This would not allow her to take care of the house. For instance,

ولكن وإن جوزنا للمرأة الخروج للعمل أو قضاء حوائجها أو التردد على المساجد، فلا ينبغي أن نهمل مبدأ القرار. وفي حديث تفضيل صلاة المرأة في البيت تنبيه للمرأة على عدم الإكثار من الخروج والدخول والذهاب والمجيء كما تفعل السلفع(قليلة الحياء، البذيئة)، فإنه لا يصلح لراعية البيت مثلًا أن تصلي خمسها في المسجد، فما الذي يبقى من قوله تعالى

(٩٦) صحيح مسلم ج٢/ ص١١٢١.

if she were to pray all five prayers at the mosque, what would remain of the following saying of Allah?

《And abide in your houses…》 *(Qur'an 33: 33)*

Moreover, if she is a mother, would she leave her children five times a day without supervision? Indeed, the warning of scholars such as Imam Mâlik (may Allah have mercy on him) regarding frequenting the mosque is important and beneficial; it should not be ignored or overlooked.

﴿وَقَرْنَ﴾ وأي بيوت تلك التي يترك فيها الأطفال خمس مرات في اليوم بلا راع. إن تحذير العلماء كمالك رحمه الله من كثرة ترددهن على المساجد مهم ومفيد ولا ينبغي أن يهمل أو يتجاوز.

Women working outside the home should not be regarded as the norm, even if it is permissible. Making working women the norm in households in the West has led to enormous drawbacks, from a rise in the divorce rate to the disintegration of the family. Neglect of children is another consequence that has emerged, subjecting many of the young ones to psychological and behavioral disorders in addition to obstructing their learning process. In fact, the issue has even contributed to the spread of medical conditions such as obesity, heart disease and high blood pressure, resulting from massive changes in the types of food eaten and from a reliance on fast food.

إن عمل المرأة خارج بيتها ليس الأصل وإن كان جائزًا، ولقد أدى جعل عمل المرأة بالغرب هو الأصل في كل أسرة إلى مفاسد هائلة من ارتفاع معدلات الطلاق والتفكك الأسري وإهمال الأولاد وتعرضهم للكثير من الأمراض النفسية والسلوكية مع ضعف في التحصيل العلمي. بل تعدى الأمر ذلك إلى فشو الأمراض كالبدانة وأمراض القلب وارتفاع ضغط الدم الناتجة من التغير الكبير في نوعية الطعام والاعتماد على الوجبات السريعة.

In the same vein, even a woman who works in the field of *da'wah* (teaching

وفي نفس السياق، فإن المرأة الداعية لا ينبغي لها أن تفرط في حقوق بيتها وزوجها

about and calling to Islam) should not neglect the rights of her house, her husband and her children, especially the young ones, despite the intensity of the Ummah's need for her. We hope that her husband will receive a share of the reward if he supports her.

وأولادها سيما الصغار منهم، على شدة حاجة الأمة إليها، ورجاؤنا أن يكون لزوجها نصيب من أجرها إن أعانها.

What we have said here is not only according to Sharia; it is also in line with reason and intuitive knowledge.

إن الذي قلنا هنا ليس مقتضى الشرع فحسب، بل هو مقتضى العقل والفطرة.

Details on intermixing

التفصيل في مسألة الاختلاط

Detailed clarification on the issue of intermixing must be derived from a fair, impartial and thorough study of the evidence. This must be considered in totality whenever possible, without neglecting any aspect and without deriving an arbitrary or domineering interpretation of it.

أما التفصيل في مسألة الاختلاط، فينبغي أن يكون ناتجًا عن استقراء منصف متجرد للأدلة وإعمالها جميعًا متى أمكن دون إهمال أي منها أو التعسف والتحكم في تأويل بعضها.

It appears to me — as I have said previously — that the ruling on the intermixing of men and women differs according to the age of the men and women involved, the type of situation, the nature of the interaction and the degree of necessity. The following are the details and explanations in that regard:

لقد ظهر لي - كما سبق - أن حكم اختلاط الرجال بالنساء يختلف بحسب أعمار الرجال والنساء وبساط الحال بما في ذلك طبيعة المخالطة والحاجة الداعية إليها. وهذا بعض التفصيل والبيان في ذلك:

Age

الأعمار

It seems that there is some relaxation in the matter of intermixing with the advancing age of those involved, even if the woman is not post-menopausal. There is an undeniable difference between a sixteen year old and a fifty year old. As a woman reaches an advanced age, becoming less interested

إن من الظاهر لنا أن هناك تخفيفًا في أمر الاختلاط مع تقدم العمر وإن لم تكن المرأة من القواعد، ولا شك في أن هناك فرقًا بين بنت السادسة عشرة وصاحبة الخمسين، فمتى أيست كان التخفيف أكثر.

in sex and less sexually tempting to men, there is a greater relaxation of the rules.

The same is the case with a man whose hair has turned white and who has reached an extremely old age.

والأمر كذلك في حق الرجل الذي اشتعل رأسه شيبًا وبلغ من الكبر عتيًّا.

This can be derived from many reports, including the Prophet's permission for Umm Shareek to be inundated with guests, while he prevented Fâṭimah from spending her waiting period there because of the same guests.

There was also Samrâ' bint Nuhayk, who was an elderly woman when she assumed the responsibility for enjoining good and forbidding evil in the marketplace.

Also noteworthy are instances such as the Prophet (ﷺ) jesting with the elderly woman, Zachariah (ﷺ) visiting Maryam in her prayer room, Sarah standing before her husband's two guests, and others.

ويستفاد من النصوص أمور عدة، منها ما جاء من سماح النبي ﷺ لأم شريك أن يغشاها الضيفان، ومنعه فاطمة من الاعتداد عندها لكثرتهم. وكذلك فإن سمراء بنت نهيك لم تكن بالشابة الصغيرة عندما تولت الأمر بالمعروف في السوق. ومزاحه ﷺ مع العجوز. إضافة إلىٰ دخول زكريا علىٰ مريم وقيام سارة بين أيدي الضيفان وغير ذلك من الأمور.

The type of situation

بساط الحال

It seems that the scholars are stricter concerning the matter of intermixing in situations of play, entertainment, foolish recreation, and joyous occasions such as weddings and birth celebrations.

يظهر أن العلماء يشددون في منع الاختلاط في أحوال اللعب والعبث وشدة الفرح كالأفراح والموالد.

Al-Ḥamawi (may Allah have mercy on him)[97] said:

The correct opinion is that weddings are not disliked as long as they do not involve anything ḥarâm, as it says in *al-Fatḥ*. I say: It is ḥarâm in our times, not just disliked, as a result of matters that are no secret, one of which is the intermixing of women with men.[98]

Ibn Farḥown (may Allah have mercy on him) has said, regarding wedding ceremonies in which men and women intermingle, that their legal testimony for each other will no longer be accepted, especially if the wedding contains that which the Legislator (Allah) has prohibited. That is because when women attend such events, their credibility is lost.

Keep in mind that Umm Usayd, as a hostess, served the Prophet (ﷺ) and his companions, but that does not mean that there was mixing of both genders or even that she herself stayed there after serving them. Moreover, the rarity of that occurrence was what made the narrator interested in mentioning it.

قال الحموي[٩٩] رحمه اللَّه:

«(والمختار أن الزفاف لا يكره إذا لم يشتمل علىٰ مفسدة، كما في الفتح). قلت: وهو حرام في زماننا فضلًا عن الكراهة لأمور لا تخفىٰ عليك منها اختلاط النساء بالرجال».[١٠٠] بل إن ابن فرحون رحمه اللَّه يقول في الأعراس التي يمتزج فيها الرجال والنساء: لا تقبل شهادة بعضهم لبعض إذا كان فيه ما حرمه الشارع، لأن بحضورهن هذه المواضع تسقط عدالتهن.

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[97] Shihâb ud-Deen Abu al-'Abbâs Aḥmad ibn Muḥammad al-Ḥussayni al-Ḥamawi al-Miṣri al-Ḥanafi died in Egypt in 1098 AH.

[98] Aḥmad ibn Muḥammad al-Ḥussayni al-Ḥamawi, *Ghamz 'Uyown al-Baṣâ'ir* (Beirut: Dâr al-Kutub al-'Ilmiyah, 1985), 2:114.

(٩٩) شهابُ الدين أبو العباس أحمد بن محمد الحُسَيْني الحموي المصري الحنفي. توفي في مصر سنةَ ١٠٩٨ هـ.

(١٠٠) غمز عيون البصائر ج٢/ ص١١٤ لأحمد الحموي الحنفي.

The restrictions are, likewise, stricter in crowded and chaotic settings

وكذلك في أحوال التزاحم والفوضىٰ

In this respect, as-Sarkhasi (may Allah have mercy on him) said:

ومن ذلك قول السرخسي رحمه اللّٰه:

> The judge must allow women to present their case alone and then let the men present their case alone, because people crowd together in his assembly, while the fitnah and indecency that results from the intermixing of women and men in a crowd is no secret. That could only be when the dispute is between two women, though. If the dispute is between men and women, there would be no other alternative than to present their case with the men.[101]

«وينبغي للقاضي أن يقدم النساء علىٰ حدة والرجال علىٰ حدة؛ لأن الناس يزدحمون في مجلسه، وفي اختلاط النساء مع الرجال عند الزحمة من الفتنة والقبح ما لا يخفىٰ، ولكن هذا في خصومة يكون بين النساء. فأما الخصومة التي تكون بين الرجال والنساء لا يجد بدًا من أن يقدمهن مع الرجال».[١٠٢]

Also in this category are funerals, about which Ibn al-Ḥāj (may Allah have mercy on him) said:

ومن ذلك الجنائز، وفي ذلك يقول ابن الحاج رحمه اللّٰه:

> He should be careful not to fall into what some people these days do, in terms of women and men intermixing, by attending, revealing their faces, blackening them and other parts of their bodies, pulling their hair and making supplications

«وليحذر أن يقع بحضرته ما يفعله بعض الناس في هذا الزمان من اختلاط النساء بالرجال وكشف وجوههن وتسويدها

[101] Abu Bakr Muḥammad ibn Aḥmad as-Sarkhasi, *al-Mabsooṭ* (Beirut: Dâr al-Ma'rifah, n.d.), 16:80.

(١٠٢) المبسوط للسرخسي ج١٦/ ص٨٠.

> for situations of distress and destruction.[103]

وتسويد بعض أجسادهن ونشر الشعور، والدعاء بالويل والثبور».[١٠٦]

In addition, an-Nawawi (may Allah have mercy on him) said:

ومن ذلك قول النووي رحمه اللّٰه:

> Among the repugnant innovations initiated by the common folk during these times is the lighting of candles on Mount 'Arafah on the night of the ninth [of Dhul-Ḥijjah] or otherwise. They bring the candles from their countries for that [purpose], and they take great pains to safeguard them. This is a gross error in which they have combined several types of offenses, among which are wasting money on inappropriate things and exhibiting the rites of the Zoroastrians in safeguarding the fire; also included is the intermixing of men and women when there are candles in their midst and their faces are clearly visible.[104]

«ومن البدع القبيحة ما اعتاده بعض العوام في هذه الأزمان من إيقاد الشمع بجبل عرفة ليلة التاسع أو غيرها، ويستصحبون الشمع من بلدانهم لذلك ويعتنون به، وهذه ضلالة فاحشة جمعوا فيها أنواعًا من القبائح منها إضاعة المال في غير وجهه ومنها إظهار شعار المجوس في الاعتناء بالنار ومنها اختلاط النساء بالرجال، والشموع بينهم، ووجوههم بارزة».[١٠٧]

This is not the same as being in the mosque, as an-Nawawi himself says concerning women who pray the Friday prayer there, "Intermixing of women with men, if it is not in seclusion, is not ḥarâm."[105]

وهذا بخلاف الحال في المسجد، فيقول النووي نفسه في صلاتهن الجمعة فيها: «ولأن اختلاط النساء بالرجال إذا لم يكن خلوة ليس بحرام».[١٠٨]

[103] Abu 'Abdullâh Muḥammad ibn Muḥammad al-'Abdari Ibn al-Ḥâj, *al-Madkhal* (Beirut: Dâr al-Fikr, 1981), 3: 233.

[104] an-Nawawi, *al-Majmoo'*, 8:111.

[105] an-Nawawi, *al-Majmoo'*, 4:404.

(١٠٦) المدخل ج٣/ ص٢٣٣ لابن الحاج المالكي.

(١٠٧) المجموع ج٨/ ص١١١.

(١٠٨) المجموع ج٤/ ص٤٠٤.

What we have mentioned is the correct stance, for certainly the gathering of men and women in close proximity, or with their bodies touching, pressed up against one another, is among the causes of temptation and arousal of desire. I implore my brothers and sisters not to fall prey to what the mainstream media and some of the public claims about self-restraint: they declare any degree of intermixing to be manageable and without any harm.

وهذا الذي ذكرنا متجه فإن اجتماع الرجال والنساء مع القرب الشديد أو تضام الأجسام ومزاحمة بعضهم لبعض، من أسباب الفتنة وثوران الشهوة.

The nature of the interaction

أما طبيعة المخالطة

Without doubt, there is a difference between men and women gathering in the mosque to discuss an issue or to organize certain da'wah activities, and families sitting in their homes to eat and spend the evening in idle chit-chat. It may be permissible for a woman to serve her husband's guests if it is not done on a regular basis. Abu Usayd's wife served food and drink to the Prophet (ﷺ) and his Companions on a special occasion, merely to show him hospitality on her wedding day. It was not their custom, or else the matter would not have been noteworthy enough for the narrator to mention, "And no one made the food, or served it to them, but his wife herself."

فلا شك أن هناك فرقًا بين اجتماع عدد من الرجال والنساء في مسجد لمناقشة أمر أو ترتيب بعض المناشط الدعوية، وبين جلوس العائلات في البيوت على طعام وسمر. أما تقديم المرأة طعامًا لأضياف زوجها فقد يجوز على غير سبيل العادة، فإن ما ذكر من تقديم زوج أبي أسيد الطعام والشراب للنبي وأصحابه إنما كان لإتحافه وإظهار الترحيب به في يوم عرسها، ولم تكن عادتهم وإلا لما استحق الأمر أن يقول الراوي: «فما صَنَعَ لهم طَعَامًا ولا قَرَّبَهُ إِلَيْهِمْ إلا امْرَأَتُهُ» وما ذكر من حديث الرجل المجهود، فإنه غريب فقير مجهود،

There is also the hadith of the hungry and exhausted man, but he was a poor, tired stranger. They put out the lamp, and perhaps the wife was at one end of the room, far from the two men, in which case there would be nothing wrong with the situation. Eating together at the same table, with women facing the men, should not happen — because how can we lower our gaze while sitting for a long time at the same table facing each other? As for the women being in the same room, there is nothing wrong with that if they distance themselves from the men.

(This is the correct understanding if one does not consider the verses of hijab to abrogate the rulings deduced from this hadith and many others that were not clearly reported to have occurred after the revelation of the verses about the hijab in the chapter of the Qur'an chapter named *al-Aḥzāb*. What is superior among the various scholarly opinions, in my assessment, is the lack of abrogation, for reconciliation between the texts is possible. Note that the hijab mentioned in the verse means to have a screen between men and women, which is applicable according to some scholars, such as Shaykh al-Albâni, to all women at home, since they would not be fully covered there.)

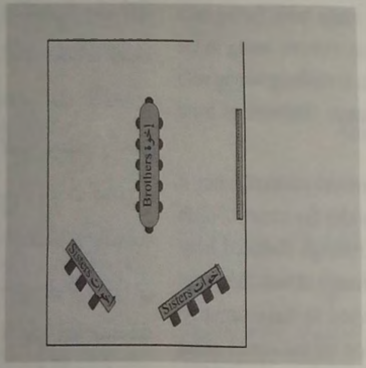
وقد أطفؤوا السراج، ولعل المرأة كانت في ناحية من الحجرة بعيدة عن الرجلين، وعندها فلا حرج. إن الاجتماع على مائدة واحدة مع مواجهة النساء للرجال هو الذي لا ينبغي، إذ كيف نؤمر بغض الأبصار ثم نجلس زمنًا طويلًا على مائدة واحدة متقابلين. أما كون المرأة في نفس الغرفة، فلا بأس بذلك إن بعدت عن الرجال. (هذا عند من لا يرى آيات الحجاب ناسخة للأحكام المستفادة من هذه الأحاديث، وعدم النسخ هو الصواب عندي والجمع ممكن، ويرى الشيخ الألباني أن المأمور به في الآية، وهو حجاب الشخوص بالمعاملة من وراء حائل، عام في حق كل النساء في البيوت إذ أنهن لا يكن فيها مستترات بالجلابيب التي تغطي سائر العورة.)

In the case of gathering in the mosque, there must be some distance

وفي حال الاجتماع في المسجد ينبغي أن يكون هناك قدر من التباعد والفسح

between the seating areas of men and women. Facing each other should be avoided as much as possible in order to guard their modesty and to aid both groups in lowering their gaze and guarding the purity of their hearts. The following diagram shows an example of the type of distance intended to avoid face-to-face seating.

بين مجالس الرجال والنساء وأن تجتنب المواجهة قدر المستطاع حفاظًا على الحياء والتستر وإعانة للمجتمعين على غض البصر وسلامة القلب. وفي الرسم الآتي إظهار للمقصود من التباعد وعدم المواجهة.



The level of necessity

الحاجة

There are many different needs which might call for some sort of intermixing. For example, in the case of warfare, the women's going out was not necessary, because it was not the case that the men went all at once to fight, leaving only the women to provide medical and nursing care.

هناك الكثير من الحوائج الداعية إلىٰ شيء من الاختلاط، وذلك كالقتال، وليس خروج النساء هنا لضرورة، فإن الرجال لم يكونوا يخرجون عن بكرة أبيهم للقتال، فلا يبقىٰ للمداواة إلا النساء.

There is a distinction between need (*hâjah*) and necessity (*daroorah*, meaning that which is required for human survival, without which one's life, organs or senses would be in danger). Need — not necessity — is apparent in the hadith about the Prophet (ﷺ) offering Asmâ' (ﷺ) a ride on his camel while he was with a group of the Ansâr. She understood that he wanted her to ride behind him, and that was because of who he was; he was older than her father and he could see that carrying the date stones for Zubayr's horse had made her tired.

If a Muslim man comes across a Muslim woman stranded along the way, he should not let his sense of pious caution allow him to leave her without offering to help. Of course, he should lower his gaze and limit himself to either ensuring that she gets what she needs or leading her to a safe place.

والحاجة دون الضرورة ظاهرة في عرضه ﷺ علىٰ أسماء أن يركبها بعيره، ومعه نفر من الأنصار، وقد فهمت أنه أراد أن يردفها خلفه، وذلك كله لكونه أكبر من أبيها، وهو من هو، وقد أتعبها حمل النوىٰ لفرس الزبير. والذي ينبغي علىٰ المسلم في زماننا إذا رأىٰ في الطريق امرأة مسلمة انقطع بها السبيل ألا يحمله الورع علىٰ تركها دون بذل العون لها مع غض البصر والاكتفاء بقضاء حاجتها أو إيصالها إلىٰ مأمنها.

It is not pious caution to leave old women alone at home without any monitoring or care.

Imam Mâlik was asked about an elderly, unmarried woman who seeks a man's help, so he does what she needs and offers his services, "Would you consider this a good deed?" He said, "There is nothing wrong with it — although it is more favorable to me if he gets someone else to go with him — for if

وليس من الورع كذلك ترك العجائز في البيوت من غير تفقد ورعاية، ولقد سئل الإمام مالك عن المرأة العزبة الكبيرة تلجأ إلىٰ الرجل، فيقوم لها بحوائجها، ويناولها الحاجة، هل ترىٰ ذلك له حسنًا ؟ قال: «لا بأس به، وليدخل معه غيره أحب إلي، ولو تركها الناس لضاعت». قال ابن رشد: «هذا علىٰ ما قال إذا غض بصره عما لا يحل له النظر إليه».

people leave her, she will perish." Ibn Rushd said, "This is the case if he averts his gaze from what he is not permitted to look at."

ونظرًا لحاجة المرأة إلىٰ شهود الخير وتحصيل العلم وقضاء الحوائج في الأسواق؛ جاز خروجها لصلاة الجماعة والجمعة والعيد، ولفريضة الحج، بل جوز البعض أن تكون مع رفقة مأمونة من الرجال. كذلك جاز معاملتها للرجال بالبيع والشراء والإجارة وغير ذلك.

A woman may go out of her house to participate in acts of goodness, to acquire knowledge or to fulfill her needs from the marketplace. It is permissible for her to attend the daily congregational prayers, the Friday congregational prayer, and the two Eid prayers, along with the obligatory Hajj. In fact, some scholars have even permitted her to travel in the company of pious men. Likewise, it is permissible for her to deal with men while buying and selling, renting accommodation and so on.

ومنها حاجة العزبة للزواج، فلو غشيت المحافل مع التعفف والصيانة حتىٰ تعرف لكان ذلك جائزًا، والحاجة داعية إليه في بلاد الغرب حيث المسلمون متفرقون، ولا تجمعهم إلا مثل هذه المحافل، ولقد كان من نساء الصحابة من تتجمل للخطاب: فعن سُبَيْعَةَ أنها كانت تَحْتَ سَعْدِ بن خَوْلَةَ وهو في بنىٰ عَامِرِ بن لُؤَيٍّ وكان مِمَّنْ شَهِدَ بَدْرًا فتُوفِّيَ عنها في حَجَّةِ الْوَدَاعِ، [لاحظ كون ذلك بعد نزول آيات الحجاب بمدة] وهىٰ حَامِلٌ فلم تَنْشَبْ أَنْ وَضَعَتْ حَمْلَهَا بَعْدَ وَفَاتِهِ فلما تَعَلَّتْ من نِفَاسِهَا تَجَمَّلَتْ

Also counted among the needs for which a woman may leave her home is the need of a single woman to get married, so if she attends Islamic conferences and meetings with chastity and reserve, in order to become known and interact with people, that would be permissible. There is a need for that in the Western countries, since the Muslims are widely dispersed and they do not get together except at these assemblies. Also, there were some among the female Companions who would beautify themselves in order to receive marriage proposals.

«Subay'ah reported that she was married to Sa'd ibn Khawlah, who was

لِلْخُطَّابِ [وفي رواية أحمد اكتحلت] [وفي رواية لابن إسحاق قواها الألباني: واختضبت] فَدَخَلَ عليها [وفي رواية أحمد: فلقيها] أبو السَّنَابِلِ بن بَعْكَكٍ رَجُلٌ من بنىٰ عبد الدَّارِ، فقال لها: «مالي أَرَاكِ مُتَجَمِّلَةً لَعَلَّكِ تَرْجِينَ النِّكَاحَ إِنَّكِ والله ما أَنْتِ بِنَاكِحٍ حتىٰ تَمُرَّ عَلَيْكِ أَرْبَعَةُ أَشْهُرٍ وَعَشْرٌ». قالت سُبَيْعَةُ: «فلما قال لي ذلك جَمَعْتُ علي ثِيَابِي حين أَمْسَيْتُ فَأَتَيْتُ رَسُولَ اللَّهِ ﷺ فَسَأَلْتُهُ عن ذلك، فَأَفْتَانِي بأني قد حَلَلْتُ حين وَضَعْتُ حَمْلِي وَأَمَرَنِي بِالتَّزَوُّجِ إن بَدَا لي».[١٠٩]

...Bani 'Âmir ibn Lu'ay and had witnessed Badr. He passed away during the farewell pilgrimage, while she was pregnant. (Note that this was long after the revelation of the hijab verses.) Not long after his death, she gave birth. When she saw that her post-partum bleeding had ...fully come to an end, she beautified herself to receive marriage proposals. (It has been added, in a version by Aḥmad, that she applied kohl. In a report by Ibn Isḥâq, deemed sound by al-Albâni, it has been said that she applied henna to her hands.)

Then Abu as-Sanâbil ibn Ba'kak, a man from Bani 'Abd ad-Dâr, visited her (in Aḥmad's version: met her) and said to her: Why do I see that you have beautified yourself? Perhaps you hope to get married? By Allah! You are not going to get married until four months and ten days have passed! (Notice that this was long after the revelation of the hijab verses, yet Subay'ah had beautified herself and let herself be seen by this man without a screen separating them.)

Subay'ah said: After he said that to me, I gathered my clothes when night fell, went to Allah's Messenger (ﷺ) and asked him about that. He ruled for me that it had become permissible for me to marry when I gave birth, and he ordered

(١٠٩) صحيح مسلم ج٢/ ص١١٢٢؛ مسند أحمد بن حنبل ج٦/ ص٤٣٢.

(allowed) me to get married if I saw fit to do so.» (Muslim and Ahmad)

It appears that there is an element of tolerance for the unmarried woman who wants to get married. Based on that, there is no proof for prohibiting the practices of some Islamic institutions who gather large crowds of those seeking to get married with their parents in a large hall, allowing each of them to speak for several minutes to more than one young man or woman. Whether individuals reject or accept this practice is entirely their personal choice, based on differences in custom, environment and other personal considerations. Certainly if a woman already has suitors coming to her door and is not in need of this because of what is known of her beauty, her having memorized the Qur'an, her being active in da'wah or otherwise, then it is better for her not to visit these conferences for that purpose.

فالذي يظهر أن هناك شيئًا من التجوز في حق العزبة الراغبة في النكاح، وما تفعله بعض المؤسسات الإسلامية من جمع عدد كبير من الراغبين في الزواج وآبائهم في قاعة واسعة والسماح لكل منهم بالكلام عدة دقائق مع أكثر من شاب أو شابة لا يظهر لي وجه للمنع منه. أما قبول آحاد الناس لذلك أو رفضه فهذا شأن خاص يرجع إلىٰ اختلاف العادات والبيئات واعتبارات شخصية أخرىٰ. إن المرأة التي يأتيها الخطاب إلىٰ بابها وتستغني عن هذا كله بما عرف من جمالها أو سمعتها كحافظة لكتاب اللّه أو ناشطة في الدعوة أو غير ذلك، خير لها ألا تغشىٰ هذه المحافل لهذا الغرض وتستغني بما عرف من حالها.

It goes without saying that such organizations should not neglect this issue and should do their best to minimize the need for Muslim women to speak to many seekers at a time. This could be done by various means, including matching the individuals based on matrimonial forms filled out prior to the conference, thereby decreasing the number of brothers each sister may need to meet and vice versa. In this way, they would acknowledge the modesty of the Muslim woman and safeguard her pride.

بقي أن هذه المؤسسات ينبغي ألا تقع في التفريط وأن تجتهد في تحصيل أسباب الصيانة وتكريم المرأة المسلمة والاجتهاد في تقليل الحاجة إلىٰ الحديث مع عدد كبير من الخطاب بعمل استبيانات سابقة للمؤتمر ومحاولة التوفيق بين الأكفاء والمتلائمين بقدر الإمكان قبل اللقاء بينهم.

An important resolution of the sixth conference of the AMJA

فائدة من قرارات مجمع فقهاء الشريعة بأمريكا في مؤتمره السادس:

Secondly – Regarding the relationship between the two Genders:[110]

ثانياً: حول العلاقة بين الجنسين:

The exchange of emotional expressions before marriage is impermissible due to its being a means to tribulation and a medium for falling into fornication. This is especially so in this age of ours where the authority of religion in the souls has weakened, the morals have been corrupted, and the virtuous principles have declined. There is no harm in speaking with a foreign (non-maḥram) woman in goodness if there is no seclusion or doubt (i.e. fear of temptation) and there is a legitimate urgency or need for that, be it religious or otherwise.

* لا يجوز تبادل المشاعر العاطفية بين الجنسين قبل الزواج، لأنه وسيلة إلىٰ الفتنة، وذريعة إلىٰ الوقوع في الفاحشة، خصوصًا في زمننا الذي ضعف فيه سلطان الدين علىٰ النفوس وفسدت الأخلاق وانحدرت القيم الفاضلة. ولا بأس بالتحدث مع المرأة الأجنبية بالمعروف في غير خلوة ولا ريبة، إذا وجد مقتضٍ لذلك من ضرورةٍ أو حاجةٍ معتبرة سواء أكانت دينية أم دنيوية.

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[110] This is the original text of the AMJA resolution, which can be found at the AMJA website:http://amjaonline.org/2009/11/decisions-and-recommendations-of-amja%E2%80%99s-sixth-annual-convention-canada/. None of the texts quoted from this website have been altered. Note that in this book, the topics are not discussed in the same sequence seen in the AMJA resolutions. (Editor)

- There is no harm in the communication of the two genders in goodness if there be a need and an absence of doubt. We advise that one of the guardians takes part in the correspondence so as to repel the possibility of (falling under the ruling of) seclusion. As for simple chit-chat and spending time (together), then this is of the means of tribulation, and of the footsteps of Shaytân.

❋ لا حرج في التخاطب بين الجنسين بالمعروف عند وجود المقتضي وانتفاء الريبة، ويوصىٰ بإشراك أحد من الأولياء في التراسل دفعًا لشبهة الخلوة، أما مجرد الدردشة وتمضية الأوقات فهو من ذرائع الفتنة، وخطوات الشيطان.

- The default is the lowering of the gaze in gatherings of men and women, and it is permitted to look at women for a need such as education, testimony, judicial proceedings, medical care, and the like. [End of AMJA resolution]

❋ الأصل هو غض البصر في مجامع الرجال والنساء، ويرخص في النظر للمرأة عند الحاجة كالتعليم والشهادة والقضاء والتطبيب ونحوه.

Another need is acquiring education, but in this matter, people frequently fall into either excess or laxity, and this is nothing new.

In fact, Ibn al-Jawzi (may Allah have mercy on him) said:

It is a form of innovation in the religion for motivational speakers, who discuss the religion primarily through storytelling, to gather men and women together; strange and shocking things occur in these gatherings from the intermixing of women and men, to the women raising their voices while shouting

ومن الحاجات تعلم العلم، ولكن الناس في هذا الأمر كثيرًا ما يقعون في الإفراط أو التفريط، وليس ذلك بجديد، بل قال ابن الجوزي رحمه الله: «فأما ما أحدث القُصَّاص من جمع النساء والرجال فإنه من البدع التي تجري فيها العجائب من اختلاط النساء بالرجال ورفع النساء أصواتهن بالصياح والنواح إلىٰ غير ذلك؛ فأما إذا حضرت امرأة مجلس خير في خفية غير متزينة وخرجت بإذن زوجها وتباعدت عن الرجال وقصدت العمل بما يقال لا

and wailing, and so forth. However, if a woman wants to attend a beneficial gathering without drawing attention to herself, unadorned, with her husband's permission, keeping her distance from men and intending to act upon what is said, not just to listen for entertainment, the matter would be close [to being permissible], although with risk. We only permit things of this sort because staying away from hearing beneficial reminders only reinforces heedlessness and makes one forget the hereafter totally. However, the speaker must stress the obligatory, prohibit the forbidden and remind them of whatever will benefit the common folk, what the ignorant need to know regarding their religion and the fact that most of the people have strayed from the straight path. How rarely does this happen nowadays! These motivational speakers today only busy themselves by remembering Zulaykhâ[1] and Prophets Joseph (ﷺ) and Moses (ﷺ) and the mountain, and reciting love poetry. Hence, attending these gatherings is more harmful than beneficial.

التنزه كان الأمر قريبًا مع الخطر، وإنما أجزنا مثل هذا ؛لأن البعد عن سماع التذكير يقوي الغفلة فينسي الآخرة بمرة وينبغي للمُذكِّر أن يحث علىٰ الواجبات، وينهىٰ عن المحظورات، ويذكر ما ينفع العوام وما يحتاج إليه الجهال في دينهم. وهيهات ما أقل هذا اليوم إنما شُغل القصاص اليوم ذكر إزليخا ويوسف وموسىٰ والجبل، وإنشاد الغزل، فيكون الضرر بذلك أقوىٰ من النفع».

What must be taken into consideration then, according to Ibn al-Jawzi, is

العبرة إذًا عند ابن الجوزي بكون العلم نافعًا محتاجًا إليه، وبسلوك المعلم

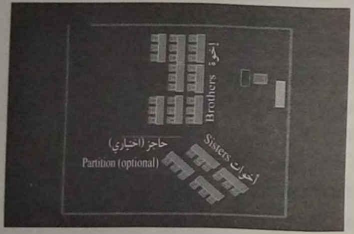
[1] Zulaykhâ was the wife of al-'Azeez. The couple took Joseph and raised him, but after he grew up to be a handsome young man, Zulaykhâ tried to seduce him; when he refused, she accused him of attacking her, and he was imprisoned for that. (Editor)

the benefit of the knowledge, whether there is a need to acquire it, and the behavior of the teacher and the students. Indeed, there are many ways for women to obtain the knowledge they are seeking via direct learning from a shaykh, without having to mingle with men or sacrifice their modesty.

والطلاب. حيث إن هناك الكثير من التراتيب التي تعين على حصول النساء على ما يرغبن فيه من العلم عن طريق التلقي المباشر مع التواصل مع الشيخ وسؤاله، ومن غير مخالطة للرجال ولا ضياع للحياء.

The following illustrates a conceptual diagram of a study room in a mosque. The partition would be optional here, despite the fact that we consider it important in the prayer room.

وفي الصورة الآتية تصور لما يمكن أن تكون عليه قاعات الدرس في المساجد.



The idea that we have mentioned here — teaching men and women together in the mosque — is conditional upon the need to teach women. It is acceptable when students are mature and rational.

Teaching male and female teenagers in co-educational schools, when it would be possible to separate them, is most verily akin to fuelling the fire. Even people in Western societies have begun to wake up to the disastrous effects of intermixing during this stage of life.

أما ما ذكرنا من تدريس الرجال والنساء مجتمعين في المساجد إنما يقبل للحاجة إلى تعليم النساء، وكذلك يقبل عندما يكون الطلاب من الناضجين العاقلين، أما تدريس المراهقين والمراهقات في مدارس مختلطة مع القدرة على الفصل، فإن ذلك لعمري هو إضرام النار في الحطب. وقد بدأ الناس في المجتمعات الغربية اليوم بدؤوا يستفيقون على النتائج الكارثية للاختلاط في هذه المراحل، وبدأت الصرخات تُسمع

...are calls from people in various walks of life to separate boys and girls. ...the separation process has actually started in hundreds of schools, and there has been a great response from parents and teachers to this idea.[112] Must we pass through the same dark tunnel?

من هنا وهناك للفصل بين الجنسين، بل لقد حصل الفصل بالفعل في مئات المدارس، وكانت هناك استجابة عظيمة من الآباء والمعلمين لهذه الفكرة. فهل ينبغي لنا أن نمر في النفق المظلم نفسه؟

Included among needs is the mingling among women and their relatives and family acquaintances while visiting one another's homes. If there is not enough space for segregation, and everyone has to sit in one room, there should be no harm as long as the Islamic etiquettes are observed and a keen effort is made to maintain distance between the groups of men and women. This includes ensuring that men and women avoid facing one another. If the hostess needs to pass in front of the men to bring food or drink closer to them, as done by Umm Usayd, there should be no harm in that with the observance of propriety and modesty, lowering the gaze and avoiding facing the other gender for a long period. It is to be recognized, though, that usually, the custom of Muslims should be for the man to serve his male guests and the woman to serve the females.

ومن الحاجات اختلاط النساء بالرجال من المعارف والأقارب عند تبادل الزيارات في البيوت وتعذر الفصل لضيق المكان، فإن جمعتهم غرفة واحدة فلا بأس مع التزام الآداب الإسلامية وتحري التباعد بين الجنسين، وعدم المواجهة. وإن احتاجت صاحبة البيت المرور أمام الرجال لغرض تقريب طعام أو شراب إليهم كما فعلته أم أسيد، فلا بأس مع الاحتشام وغض الأبصار وعدم إطالة المواجهة، ومع إدراك أن الأصل والمنبغي في أكثر الأحوال هو قيام الرجل على خدمة أضيافه.

A 2005 report by The Associated Press, titled "More States Offer Single-Sex Schools", begins, "For an increasing number of public schools, the formula for a better education requires a little arithmetic: divide the girls from the boys." For this very reason, the U.S. government, under President George W. Bush, pushed in this direction, as explained in a CNN 2002 report that began, "The Bush administration is pushing rule changes to encourage more single-sex classes and schools."

Another important factor which constitutes a 'need' is the mingling of the two genders while using public transportation. This is because the woman needs transportation to reach the places where she can fulfill her aforementioned needs, such as shopping, learning, and earning a living. This also must be done with keen effort invested in staying away from men. It is verily incumbent upon the Muslim communities to provide special sections for women on such modes of public transportation whenever possible, for their protection and honor.

ومن الحاجات اختلاط المرأة بالرجال في وسائل النقل العام، فإنها تحتاج إلىٰ ذلك لتحصيل ما سبق ذكره من حاجات التسوق والتعلم والتكسب...الخ. هذا مع مراعاة التباعد عن الرجال بقدر الإمكان، ومع التأكيد علىٰ وجوب توفير المجتمعات المسلمة أماكن خاصة بالنساء في هذه الوسائل متىٰ تيسر ذلك، حفاظًا عليهن وتكريمًا لهن.

The following is an important AMJA resolution regarding women travelling without a mahram to attend an Islamic conference or the like:

فائدة من قرارات مجمع فقهاء الشريعة بأمريكا في مؤتمره السادس بخصوص سفر المرأة لحضور المؤتمرات الإسلامية وغيرها:

The default is that the woman is not to travel except with a husband or a mahram relative. It is permissible though, with the consent of the husband or guardian, the availability of trustworthy companionship, and the absence of doubt (temptation), for the woman to travel without a mahram for a legitimate need such as attending beneficial Islamic conferences, keeping ties of kin, exercising necessary rights like asking the ruler or filing a complaint, etc... if there is a mahram for her at her destination or she is secure of harm therein. [End of AMJA resolution]

❋ الأصل أن لا تسافر المرأة إلا مع زوج أو ذي رحم محرم، ويجوز عند إذن الزوج أو الولي وتوافر الرفقة المأمونة، وانتفاء الريبة سفر المرأة بدون محرم لحاجة معتبرة، كحضور ملتقيات إسلامية نافعة، أو صلة رحم أو حقوق لازمة كسؤال حاكم أو رفع دعوىٰ ونحوه. إذا كان لها محرم في بلد الوصول، أو أمنت فيه الفتنة.

Mixing in the Mosques

الاختلاط في المساجد

For Muslims living in the West, the mosques are the arks of Noah. Although there is a significant role for the mosque in the East, its importance in the West supersedes that. It is for this very reason that we recommend that Muslims in these countries remain enthusiastic about building the mosques and furnishing them with all that is necessary. This way, the mosque will become a refuge for Muslims and a place that their hearts yearn for.

إن المسجد في الغرب هو سفينة نوح للمسلمين المقيمين بتلك البلاد، ولدوره أهمية تفوق نظيرتها في الشرق علىٰ عظيم قدرها. ونحن نوصي المسلمين في تلك البلاد بالعناية بإقامة المساجد وعمارتها وتجهيزها بكل ما يلزم لتكون موئل المسلمين ومهوىٰ أفئدتهم.

The need for Muslim women in the West to go to the mosque far exceeds the need of their peers in the East. Therefore, women should not be prevented from going to the mosques; on the contrary, the mosques should be built to suit their needs and preserve their modesty.

وإن للمرأة المسلمة بالغرب حاجة إلىٰ المسجد تفوق حاجة نظيرتها بالشرق، لذا وجب عدم منع إماء اللَّه من بيوت اللَّه، وتهيئة المساجد لملاءمة حاجاتهن وحفظ حشمتهن وصيانتهن.

Although he was well aware of the praiseworthy jealousy of his Muslim Ummah, the Prophet (ﷺ) stressed that excessive jealousy — to the degree of preventing women from fulfilling their needs, especially visiting the houses of Allah (ﷻ) — is by no means praiseworthy. He said:

ولقد علم رسول اللَّه ﷺ غيرة أمته المحمودة علىٰ الأعراض، فأراد أن ينبه إلىٰ أنه لا يكون محمودًا الغلو فيها إلىٰ درجة أن تُمنع النساء من تحصيل منافعهن، سيما

زيارة بيوت اللَّه، فقال ﷺ: «لا تَمْنَعُوا إِمَاءَ اللَّهِ مَسَاجِدَ اللَّهِ».١١٤

«Do not prevent Allah's slave-women from going to Allah's mosques.» (Muslim)

وفهم الصحابة أنه نهي علىٰ الدوام، فعن سالم بن عبد اللَّه بن عمر أن أباه قال: «سمعت رَسُولَ اللَّهِ ﷺ يقول: «لا تَمْنَعُوا نِسَاءَكُمُ الْمَسَاجِدَ إذا اسْتَأْذَنَّكُمْ إِلَيْهَا». قال: فقال بِلالُ بن عبد اللَّهِ: واللَّه لَنَمْنَعُهُنَّ. قال: فَأَقْبَلَ عليه عبد اللَّهِ فَسَبَّهُ سَبًّا سَيِّئًا ما سَمِعْتُهُ سَبَّهُ مثله قَطُّ. وقال: أُخْبِرُكَ عن رسول اللَّهِ ﷺ وَتَقُولُ: واللَّه لَنَمْنَعُهُنَّ».١١٥

The Companions took that to be an enduring prohibition.

«Sālim ibn 'Abdullāh ibn 'Umar narrated: My father ('Abdullāh ibn 'Umar) said that he had once heard the Prophet (ﷺ) say: Do not prevent your women from going to the mosques when they seek your permission for going there.

Bilāl ibn 'Abdullāh said: By Allah, we would certainly prevent them.

'Abdullāh insulted him badly, as I had never heard him insult him before. Then he said: I relate to you an instruction from the Messenger of Allah, and you say: We would certainly prevent them?» (Muslim)

ولقد ذكرت عاتكة زوج الفاروق أن عمر أراد لها عدم الخروج إلىٰ المسجد فكانت تقول: «وَاللَّه لأَخْرُجَنَّ إلاَّ أَنْ تَمْنَعَنِي، فَلاَ يَمْنَعُهَا».١١٦ حتىٰ ذكر في سيرته أنها كانت حاضرة بالمسجد في يوم قتله ؓ. فانظر إلىٰ عمر ؓ يحب لزوجه عدم الخروج وهو من هو في حزمه وشدته وتمام مروءته

'Ātikah (ؓ), wife of 'Umar al-Fārooq (ؓ), mentioned that he did not want her to go to the mosque, but she would say, "By Allah, I will go unless you prevent me." 'Umar would not prevent her.[113]

It has been reported by 'Umar's biographers that 'Ātikah was present in the mosque the day he was killed. Do you

[113] Mālik ibn Anas, *al-Muwaṭṭa'*, 198.

(١١٤) (ق) صحيح مسلم ج١/ ص٣٢٧ عن ابن عمر.
(١١٥) صحيح مسلم ج١/ ص٣٢٧.
(١١٦) موطأ مالك ج١/ ص١٩٨.

وغيرته فلا يمنعه من منعها إلا أمر عظيم، وهو خوفه أن يخالف أمر رسول اللَّه ﷺ.

...'Umar (ؓ) disliked his wife's ...ing out? He was well known for his ...ness, sobriety, perfect manhood ...jealousy. Nothing would keep him ...stopping her except a grave matter, ...ch was his fear of disobeying the ...mand of the Prophet (ﷺ).

وحيث تقرر عدم جواز منع النساء من المساجد في عموم الأحوال وأن خروجهن يكون أحيانًا أولىٰ من بقائهن في البيوت، فإن ثمة ضوابط لا بد أن تلتزم حتىٰ يتحصل المقصود من خروج النساء إلىٰ المساجد مع اجتناب ما يمكن اجتنابه من الكدر والضرر الذي لا يكاد ينفك عن ذلك؛ منها:

...ce it has been legislated that, in ...ral, preventing women from going ...e mosques is prohibited, and that ...sometimes more becoming that ...en go out rather than stay at home, ...mportant that certain regulations be ...ed. These regulations would allow ...to fulfill the objective behind their ...ng to the mosques and at the same ...e fend off any avoidable mishaps and ...m. Included among these regulations ...e the following:

١ – عدم إكثار التردد علىٰ المساجد لغير حاجة. وفي حديث تفضيل صلاة المرأة في البيت تنبيه للمرأة علىٰ عدم الإكثار من الخروج والدخول والذهاب والمجيء، فإنه لا يصلح لها أن تصلي خمسها في المسجد، فما الذي يبقىٰ من قوله تعالىٰ: ﴿وَقَرْنَ﴾ وأي بيوت تلك التي يترك فيها الأطفال خمس مرات في اليوم بلا راعٍ. إن تحذير العلماء كمالك من

...ot visiting mosques frequently for ...necessary reasons. The hadith that ...ives preference to the performance ...f women's prayers at their home ...s a warning for women not to be ...equent. It is, thus, inappropriate for ...them to perform the five prayers in ...the mosque, or else they would contradict Allah's instruction:

﴿And abide in your houses....﴾ *(Qur'an 33: 33)*

...hat kind of homes would those ...be if small children were left unattended five times a day? Warnings

by scholars such as Mâlik against frequenting the mosques are important and beneficial; they must not be overlooked or renounced.

كثرة التردد مهم ومفيد ولا ينبغي أن يهمل أو يُتجاوز.

2. Obtaining the permission of their guardians or husbands. Women should not assume that they no longer need such permission just because men have been prohibited from preventing them from going to the mosques.

٢- ولا يكون خروج النساء إلا بإذن الأولياء أو الأزواج، فإن منع الرجال النساء من المساجد ليس بحال إذنًا للنساء بترك الاستئذان.

3. Observing hijab and refraining from beautification.

«Do not prevent Allah's slave-women from going to Allah's mosques.» (Muslim)

This hadith that has also been narrated with the addition:

«Let them go out without wearing perfume.» (Abu Dâwood)

An-Nawawi has explained that when a woman puts on perfume and extravagant clothes, she invites immorality.[117]

٣- الالتزام بالحجاب وعدم التزين. إن حديث: «لا تَمْنَعُوا إِمَاءَ اللَّهِ مَسَاجِدَ اللَّهِ».[١١٨] زاد فيه أبو داود «ولْيَخْرُجْنَ تَفِلات».[١١٩] قال النووي: «أي غير متعطرات ولأنها إذا تطيبت ولبست الشهرة من الثياب دعا ذلك إلى الفساد».[١٢٠]

4. One of the main regulations is to avoid the mixing of women and men in the mosque.

٤- ومن أهم ضوابط خروج النساء إلى المساجد ترك مخالطة الرجال فيها:

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[117] an-Nawawi, *al-Majmoo'*, 5:12.

(١١٨) (ق) صحيح مسلم ج١/ ص٣٢٧ عن ابن عمر.

(١١٩) وحسن الزيادة النووي في المجموع ج٥/ ص١٢.

(١٢٠) المجموع ج٥/ ص١٢.

It was reported on the authority of Umm Salamah (﵂), who said:

«When Allah's Messenger (ﷺ) had performed the tasleem, the women would stand immediately, while he would linger briefly before getting up.

Ibn Shihâb said: I see — and Allah (ﷻ) knows best — that he would linger in order to let the women leave before the men could catch up with them.» (Bukhari and Abu Dâwood)

فعن أم سَلَمَة ﵂ قالت: «كَانَ رَسُولُ اللَّهِ ﷺ إِذَا سَلَّمَ قَامَ النِّسَاءُ حِينَ يَقْضِي تَسْلِيمَهُ وَمَكَثَ يَسِيرًا قَبْلَ أَنْ يَقُومَ. قَالَ ابْنُ شِهَابٍ: «فَأُرَى وَاللَّهُ أَعْلَمُ أَنَّ مُكْثَهُ لِكَيْ يَنْفُذَ النِّسَاءُ قَبْلَ أَنْ يُدْرِكَهُنَّ مَنِ انْصَرَفَ مِنَ الْقَوْمِ».[١٢١]

It was reported on the authority of Ibn 'Umar that Allah's Messenger (ﷺ) said: What if we designate this door for the women?

Nâfi' said: Ibn 'Umar did not enter through it for the rest of his life.» (A sound hadith recorded by Abu Dâwood)

وروىٰ أبو داود في (بَاب في اعْتِزَالِ النِّسَاءِ في الْمَسَاجِدِ عن الرِّجَالِ) عَنِ ابْنِ عُمَرَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «لَوْ تَرَكْنَا هَذَا الْبَابَ لِلنِّسَاءِ». قَالَ نَافِعٌ: «فَلَمْ يَدْخُلْ مِنْهُ ابْنُ عُمَرَ حَتَّىٰ مَاتَ».[١٢٢]

Abu Hurayrah (ﷺ) narrated that Allah's Messenger (ﷺ) said:

«The best of the men's rows are the first, and the worst are the last, while the best of the women's rows are the last, and the worst are the first.» (Muslim)

وعن أبي هريرة قال: قال النبي ﷺ: «خَيْرُ صُفُوفِ الرِّجَالِ أَوَّلُهَا وَشَرُّهَا آخِرُهَا وَخَيْرُ صُفُوفِ النِّسَاءِ آخِرُهَا وَشَرُّهَا أَوَّلُهَا».[١٢٣] قال النووي في شرحه علىٰ مسلم: «وإنما فضل آخر صفوف النساء الحاضرات مع الرجال

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(١٢١) صحيح البخاري ج١/ ص٢٨٧.

(١٢٢) سنن أبي داود ج١/ ص١٢٦.

(١٢٣) صحيح مسلم ج١/ ص٣٢٦.

An-Nawawi (may Allah have mercy on him) said in his explanation of *Saheeh Muslim*: Indeed, the last rows of the women attending [the prayer] with the Messenger were preferred due to their distance from intermixing with and seeing men, something which would make the latter fond of them when they saw them going about.[124]

لبعدهن من مخالطة الرجال ورؤيتهم وتعلق القلب بهم عند رؤية حركاتهم».١٢٦

«Abu Usayd al-Anṣâri (ﷺ) related that as he was coming out of the mosque, men were mixing with women on the road. He heard Allah's Messenger (ﷺ) tell the women: Stay back; it is not for you to walk in the middle of the road. Keep to the sides of the street. After that, a woman would stick to the wall so closely while walking that her clothes could catch on it.»[125]

وقد روىٰ أبو داود في كتاب الأدب من سننه في (بَاب في مَشْيِ النِّسَاءِ مع الرِّجَالِ في الطَّرِيقِ) عن أبي أُسَيْدٍ الأنصاري أنه سمع رسول اللَّه ﷺ يَقُولُ وَهُوَ خَارِجٌ مِنَ الْمَسْجِدِ فَاخْتَلَطَ الرِّجَالُ مَعَ النِّسَاءِ فِي الطَّرِيقِ، فَقَالَ رَسُولُ اللَّهِ ﷺ لِلنِّسَاءِ: «اسْتَأْخِرْنَ فَإِنَّهُ لَيْسَ لَكُنَّ أَنْ تَحْقُقْنَ الطَّرِيقَ [تسِرْن وسطه] عَلَيْكُنَّ بِحَافَّاتِ الطَّرِيقِ». فَكَانَتْ الْمَرْأَةُ تَلْتَصِقُ بِالْجِدَارِ حَتَّىٰ إِنَّ ثَوْبَهَا لَيَتَعَلَّقُ بِالْجِدَارِ مِنْ لُصُوقِهَا بِهِ».١٢٧

5. Men and women must ensure that they cover their 'awrah and lower their gaze.

٥- الاعتناء بستر العورات وغض البصر بين الرجال والنساء، فقد روىٰ مسلم

[124] an-Nawawi, *Saheeh Muslim bi-Sharḥ an-Nawawi*, 4:159.

[125] Related by Abu Dâwood. Declared weak by a group of scholars, among whom are Ibn Qattân in *al-Wahm wal-ee'hâm* and Ibn Mufliḥ in *al-Âdâb ash-Sharee'ah*. Al-Ḥâfidh declared it to be reliable in *Hidâyat ar-Ruwâh*, and so did al-Albâni in *Ṣaḥeeḥ Abu Dâwood*. Abu Dâwood remained silent about it.

(١٢٦) شرح النووي علىٰ صحيح مسلم ج٤/ ص١٥٩.

(١٢٧) سنن أبي داود ج٤/ ص٣٦٩. والحديث وإن كان فيه مقال، فإن ما قبله يشهد له، وأصول الشريعة كذلك.

...was reported from Sahl ibn Sa'd (ﷺ):

«...I saw the men tying their ... around their necks like little ..., due to the shortness of the ... (when praying) behind the ...(ﷺ). So someone said: O ... women, do not raise your heads ... the men rise.» (Muslim)

...refers to the women's lower... their gaze to avoid looking at the ... parts of men.

في (بَاب أَمْرِ النِّسَاءِ الْمُصَلِّيَاتِ وَرَاءَ الرِّجَالِ أَنْ لا يَرْفَعْنَ رؤوسهن من السُّجُودِ حتىٰ يَرْفَعَ الرِّجَالُ) عن سَهْل بن سعد قال: «لقد رأيت الرِّجَالَ عَاقِدِي أُزُرِهِمْ فِي أَعْنَاقِهِمْ مِثْلَ الصِّبْيَانِ من ضِيقِ الأُزُرِ خَلْفَ النبي ﷺ، فقال قَائِلٌ: يا مَعْشَرَ النِّسَاءِ لَا تَرْفَعْنَ رؤوسكن حتىٰ يَرْفَعَ الرِّجَالُ».١٢٨ وهذا في غض النساء أبصارهن عن عورات الرجال والأمر فيها أهون والخطب فيها أيسر.

...en should observe modesty ... speaking; they should neither ... too tender nor raise their voice ...necessarily.

...'s Messenger (ﷺ) also indi...ed this when he told the men:

«...y is it that I have seen you ...ping so much? Whoever has ... concern in his prayer should say '...bhân Allâh', for verily, if he says ..., he will be noticed. Surely, clapping is for women.» (Muslim)

...is hadith is about what to do during ...rayer, yet it indicates the difference ...etween the voice of a woman and ... of a man. Nevertheless, this does

٦- أن تراعي المرأة الاحتشام في كلامها ولا تلين القول ولا ترفع الصوت عن الحاجة، فإن خفض المرأة لصوتها من حسن الأدب، وقد أشار إلىٰ هذا المعنىٰ رسول اللَّه ﷺ حيث قال للرجال: «مالي رَأَيْتُكُمْ أَكْثَرْتُمْ التَّصْفِيقَ من نَابَهُ شَيْءٌ في صَلاتِهِ فَلْيُسَبِّحْ فإنه إذا سَبَّحَ الْتُفِتَ إليه وَإِنَّمَا التَّصْفِيقُ لِلنِّسَاءِ».١٢٩ هذا الأمر في الصلاة، وفيه إشارة إلىٰ الفرق بين صوت المرأة والرجل، ولكنه لا يعني بحال أن المرأة لا تتكلم في

(١٢٨) (ق) صحيح مسلم ج١/ ص٣١٦.

(١٢٩) صحيح مسلم ج١/ ص٣٢٦.

not in any way mean that a woman may not speak in the mosque. On the contrary, she may engage in discussion and offer arguments.

A good example is that of al-Mujâdilah (meaning 'the woman who disputed'), whose story was mentioned previously. Her Lord heard her from above the seven heavens. She had come to complain to the Prophet (ﷺ), the best of His creation and the head of the leaders and scholars, concerning an incident that had taken place between her husband and her. Contrast this with Paul, whom Christians consider to be an apostle. He ordered women to remain silent in the church, while Muhammad (ﷺ), the apostle of truth and guidance, let women dispute with him. In this case, her Lord (ﷻ) defended her and supported her argument with Qur'anic verses to be recited until the end of this world.

المسجد، بل وتناقش وتراجع، فهذه المجادلة قد سمعها ربها من فوق سبع سماوات وهي تجادل خير خلقه وسيد الأئمة والعلماء فيما كان بينها وبين زوجها. إن بولس، الذي يسميه النصارىٰ رسولًا، قد أمر بأن تصمت النساء في الكنائس، ومحمد رسول الحق والهدىٰ قد اتسع صدره لامرأة تجادله، ثم نصرها ربها وأيد حجتها بآيات تتلىٰ إلىٰ انقضاء الدنيا.

7. Women should select those mosques which have a proper segregated section for ladies, where they can ensure that they maintain their distance from men, hence safeguarding themselves from evil and harm.

٧- أن تختار المرأة من المساجد ما تكون فيها أقرب إلىٰ الستر والصيانة، وأبعد عن مواطن السوء والأذىٰ.

…omen's rows

صفوف النساء

…e rule:

الأصل في صفوف النساء:

…out doubt, the rule is that women's …s should be behind those of men. …s was the situation in the Prophet's …que, and there is no dispute about …t.

لا شك أن الأصل أن تكون صفوف النساء خلف صفوف الرجال، فإن ذلك كان الشأن في مسجده ﷺ من غير خلاف.

…as (ﷺ) reported that his grand…ther, Mulaykah, invited Allah's …ssenger (ﷺ) to share some food she …cooked, so he (ﷺ) ate of it and then …: Stand, so that I may pray for you. …as ibn Mâlik (ﷺ) said: So I stood …d headed to a mat of ours, which had …ed black from long use. I sprinkled …with water, and Allah's Messenger (ﷺ) stood upon it. An orphan boy and … formed a row behind him, and the …derly woman was behind us. Allah's …essenger (ﷺ) led us in two units of …yer and then left.» (Muslim)

…This elderly woman prayed behind …r own grandson, which makes it clear …t women can make rows behind men.

وعن أنس: «أَنَّ جَدَّتَهُ مُلَيْكَةَ دَعَتْ رَسُولَ اللَّهِ لِطَعَامٍ صَنَعَتْهُ فَأَكَلَ منه، ثُمَّ قال: «قُومُوا فَأُصَلِّيَ لَكُمْ». قال أَنَسُ بن مَالِكٍ: «فَقُمْتُ إلىٰ حَصِيرٍ لنا قد اسْوَدَّ من طُولِ ما لُبِسَ فَنَضَحْتُهُ بِمَاءٍ فَقَامَ عليه رسول اللَّهِ ﷺ وَصَفَفْتُ أنا وَالْيَتِيمُ وَرَاءَهُ وَالْعَجُوزُ من وَرَائِنَا فَصَلَّىٰ لنا رسول اللَّهِ ﷺ رَكْعَتَيْنِ ثُمَّ انْصَرَفَ».[١٣٠]

(١٣٠) (ق) صحيح مسلم ج١/ ص ٤٥٧.

Abu Hurayrah (ﷺ) narrated that Allah's Messenger (ﷺ) said:

«The best of the men's rows are the first, and the worst are the last, while the best of the women's rows are the last, and the worst are the first.» (Muslim)

وعن أبي هريرة قال: قال رسول الله ﷺ: «خَيْرُ صُفُوفِ الرِّجَالِ أَوَّلُهَا وَشَرُّهَا آخِرُهَا وَخَيْرُ صُفُوفِ النِّسَاءِ آخِرُهَا وَشَرُّهَا أَوَّلُهَا».١٣١

Is it permissible for women to stand to the right or to the left of men, or in front of them?

هل يجوز للنساء الوقوف على ميمنة الرجال أو ميسرتهم أو أمامهم؟

In certain exceptional situations, such as in big mosques that are sometimes overcrowded, it is acceptable for women to pray in front of or to the side of men.

It has been stated in *al-Mudawwanah*:

I asked Ibn al-Qâsim whether Mâlik believed that having women praying amidst men would spoil the prayer of any of the men. He said, "I am not of the view that this would spoil the prayer of any of the men or of the women themselves."

I asked Mâlik about people who came to the mosque and found its yard full of women and the mosque filled with men, so they prayed behind women, following the imam. He said, "Their prayer is sound, and they do not have to repeat it." Ibn al-Qâsim said, "He (who prays behind

أما في حال الاضطرار، كما يكون في المساجد العظيمة المزدحمة أحيانًا، فلا بأس بصلاة النساء أمام الرجال وعلى الجانبين، وفي ذلك جاء في المدونة في صلاة المرأة بين الصفوف: «قلت لابن القاسم: إذا صلت المرأة وسط الصفوف بين الرجال أتفسد على أحد من الرجال صلاته في قول مالك؟ قال: لا أرى أن تفسد على أحد من الرجال ولا على نفسها». قال: «وسألت مالكًا عن قوم أتوا المسجد فوجدوا رحبة المسجد قد امتلأت من النساء وقد امتلأ المسجد من الرجال فصلى الرجل خلف النساء لصلاة الإمام». قال: «صلاتهم تامة ولا يعيدون». قال ابن

(١٣١) صحيح مسلم ج١/ ص٣٢٦.

...men) is worse than he who prays ...een women."[132]

القاسم: «فهذا أشد من الذي يصلي في وسط النساء».١٣٤

...en there is an option, ...ld a screen ...sed or not?

وفي حال الاختيار: إما أن يوجد حائل أو لا يوجد.

...there is a screen and there is no ...temptation, most of the Ḥanafis, ...s, Shâfi'is and Ḥanbalis judge the ...ency of men to women as permis-... albeit detested. This is also the ... for praying behind women, in ...ew of the majority (excluding the ...afis).[133]

...a chapter of *al-Mudawwanah* ... praying facing the *qibla* (the ...tion that all Muslims must face in ... towards the Kaaba) and follow-... the imam, it has been reported that ... said:

...s for those who pray in their ...ouses facing the qibla, follow-...ing the imam's prayer, hearing his ...akbeer (his saying *Allâhu akbar*, ...eaning 'Allah is the Greatest') and

أما عند وجود الحائل، وأمن الفتنة، فإن عامة العلماء من الحنفية والمالكية والشافعية والحنابلة يجوزون مع الكراهة محاذاة الرجل للمرأة، وكذلك صلاته خلفها عند الجمهور دون الأحناف١٣٥ وفي ذلك جاء في المدونة: «الصلاة أمام القبلة بصلاة الإمام قال: وقال مالك: ومن صلى في دور أمام القبلة بصلاة الإمام وهم يسمعون تكبير الإمام فيصلون بصلاته ويركعون بركوعه ويسجدون بسجوده، فصلاتهم تامة وإن كانوا بين يدي الإمام، قال: ولا أحب لهم أن يفعلوا ذلك. قال ابن القاسم: قال مالك: وقد بلغني أن دارًا لآل عمر بن الخطاب وهي أمام القبلة كانوا

...Mâlik ibn Anas, *al-Mudawwanat al-Kubrâ* (Beirut: Dâr Ṣâdir, n.d.); 1:106.

...Sarkhasi, *al-Mabsoot*, 1:183; Muḥammad ibn 'Abdul-Raḥman al-Maghrebi ...Ḥaṭṭâb, *Mawâhib al-Jaleel* (Beirut: Dâr al-Fikr, 1398 AH), 2:107; an-Nawawi, *al-...Majmoo'*, 3:224; and Manṣour ibn Yoonus ibn Idrees al-Buhooti, *Kash-shâf al-Qinâ'*, ... Hilâl Museelhi Musṭafâ Hilâl (Beirut: Dâr al-Fikr, 1402 AH), 1:329.

(١٣٤) المدونة الكبرى ج١/ ص١٠٦.

(١٣٥) انظر المبسوط للسرخسي ج١/ ص١٨٣ ومواهب الجليل ج٢/ ص١٠٧ والمجموع ج٣/ ص٢٢٤ و كشاف القناع ج١/ ص٣٢٩.

following his praying, bowing and prostration, their prayer is correct, even though they are in front of the imam.

He said, "But I do not recommend that they do so."

Ibn ul-Qâsim has stated that Mâlik said:

I came to know that some time ago, some members of 'Umar ibn al-Khattâb's family used to follow the imam's prayer while in their house, even though their house was actually in front of the qibla.

Mâlik added, "I do not recommend that anyone does so, although it suffices him."[136]

Perhaps Ibn al-Khattâb's family refers to his wives, because basically, men would set out to pray with other Muslims. It may also refer to his entire household, including the women. As stated by Ibn Taymiyah, it is permissible to pray in front of the imam when there is a genuine need.[137]

يصلون بصلاة الإمام فيها فيما مضىٰ من الزمان، قال مالك: «وما أحب أن يفعله أحد ومن فعله أجزأه».[١٣٨] ولعل المقصود بآل عمر النساء، فإن الأصل خروج الرجال للصلاة مع المسلمين، فإن كان المقصود جميع الآل، فإن النساء منهم كذلك. ويجواز الصلاة أمام الإمام لحاجة كما قال ابن تيمية.[١٣٩]

The opinion of the majority of scholars is quite similar; there is no objection against the screen. The objectors

ولعل قول الجمهور هو الأقوىٰ لعدم وجود المانع من التدليل أو التعليل،

[136] Mâlik ibn Anas, *al-Mudawwanat al-Kubrâ*, 1:81.
[137] Ahmad ibn 'Abdul-Haleem Ibn Taymiyah, *Majmoo' al-Fatâwâ* (Cairo: Maktabat Ibn Taymiyah), 23:409.

(١٣٨) المدونة الكبرىٰ ج١/ ص٨١.
(١٣٩) مجموع الفتاوىٰ ج٢٣/ ص٤٠٩.

quoted as proof a hadith that evidence of traceability, which bring them to the rear as Allah put them."[140] They also cite as evidence 'Umar's statement, which they to be traceable to the Prophet: "Whoever gets a river, a road or women's row between him and the imam must not pray." Hence they considered the praying of men behind women, in spite of the presence of a between them, as invalid even if women's rows number one hundred.[141] narration is not authentic, whether back to the Prophet (ﷺ) or only 'Umar (ؓ). An-Nawawi has said, invalid and has no origin."[142]

The objectors also add that a row of women is like a wall between the (male) follower and the imam. The presence of a wall, which has no hole, between the follower and the imam hinders the validity of following the imam.

فإنهم إنما استدلوا بحديث: «أخروهن من حيث أخرهن الله».[١٤٣] ولا أصل له مرفوعًا. واستدلوا بقول عمر ﷺ ورفعوه: «من كان بينه وبين الإمام نهر أو طريق أو صف من النساء فلا صلاة له». فاستحسنوا أن صلاة الرجال خلف النساء رغم الحائل باطلة وإن كانت صفوفهم مائة[١٤٤] ولا يصح أثر عمر ﷺ لا مرفوعًا ولا موقوفًا؛ بل قال النووي: «باطل لا أصل له».[١٤٥] وقالوا: «ولأن الصف من النساء بمنزلة الحائط بين المقتدي وبين الإمام، ووجود الحائط الكبير الذي ليس عليه فرجة بين المقتدي والإمام يمنع صحة الاقتداء».[١٤٦] وليس كذلك، فإن الشبه غير واضح بين صف النساء والحائط الذي لا فرجة فيه. فإذا انضاف إلىٰ ذلك أن الحاجز

[140] Ibn Hajar said, "I did not find it traceable." Ahmad ibn 'Ali al-'Asqalâni Ibn Hajar, *ad-Dirâyah fi Takhreej Ahâdeeth al-Hidâyah* (Beirut: Dâr al-Ma'rifah). 'Ali al-Qâri Al-Mullâ has said, "It is arrested at Ibn Mas'ood." 'Ali al-Qâri Al-Mullâ, *al-Asrâr al-Marfoo'ah fil-Akhbâr al-Mawdoo'ah* (Beirut: Dâr al-Amânah/Mu'assasat ar-Risâlah, 1391 AH/ 1971 CE).
[141] As-Sarkhasi, *al-Mabsoot*, 1:183.
[142] Ibn Taymiyah, *Majmoo' al-Fatâwâ*, 4:265.

(١٤٣) قال ابن حجر العسقلاني في الدراية: لم أجده مرفوعًا. وقال الملا علي القاري في
المرفوعة: موقوف علىٰ ابن مسعود.
(١٤٤) المبسوط للسرخسي ج١/ ص١٨٣.
(١٤٥) المجموع ج٤/ ص٢٦٥.
(١٤٦) المبسوط للسرخسي ج١/ ص١٨٣.

However, this is not the case since likening the row of women to a wall without holes is not clear. If the screen prevents temptations, then there is no point in invalidating men's prayer in rows behind or beside those of women, as long as the screen is present.

يمنع من الفتنة، فلا وجه لإبطال صلاة الرجال الذين يصفون خلف صفوف النساء أو بجنبهن مع وجود الحائل.

When there is no screen, praying to the right of, to the left of, or close behind women is invalid according to the Hanafis. The majority of scholars, though, consider it valid.[147] However, they all agree that when a woman does not find another woman to line up with, she can stand alone behind the row; it is not incumbent upon her to line up with someone.[148]

أما عند عدم وجود الحائل، فإن الأحناف يبطلون صلاة من عن يمينها ومن عن يسارها ومن خلفها بحذائها، ويصححها الجمهور[١٤٩]، ولكنهم اتفقوا على أن المرأة إذا لم تجد امرأة تصافها فإنها تقف وحدها خلف الصف ولا يلزمها أن تصاف أحدًا.[١٥٠]

There is no proof that the prayer is invalid. Still, the correct position is that women are prohibited from lining up adjacent to or in front of men without a screen, if there is no necessity. The rule is that women's rows should be behind those of men. This was the situation at the time of the Prophet (ﷺ) and is thus indisputable. The hadith narrated by Anas (ﷺ) regarding the lining up

أما بطلان الصلاة فلا دليل عليه، ولكن المنع من صف النساء بمحاذاة الرجال أو أمامهم من غير حائل هو الحق والصواب في حال الاختيار. فإن الأصل في صفوفهن أن تؤخر، فهكذا كان الحال في عهده ﷺ بلا خلاف، وحديث أنس السابق في صف العجوز خلفهم واضح المعنى ظاهر

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[147] as-Sarkhasi, *al-Mabsoot*, 1:183; al-Hattâb, *Mawâhib al-Jaleel*, 2:107; an-Nawawi, *al-Majmoo'*, 3:224; and al-Buhooti, *Kash-shâf al-Qinâ'*, 1:329.

[148] Ibn Taymiyah, *Majmoo' al-Fatâwâ*, 23:407.

(١٤٩) انظر المبسوط للسرخسي ج١/ ص١٨٣ ومواهب الجليل ج٢/ ص١٠٧ والمجموع ج٣/ ص٢٢٤ و كشاف القناع ج١/ ص٣٢٩.

(١٥٠) مجموع الفتاوىٰ ج٢٣/ ص٤٠٧.

...ly woman behind them, and ...h of Abu Hurayrah (ﷺ) on ...d the worst of the rows, both ...were quoted previously, are ...in their meaning and obvious ...ation.

الدلالة. وحديث أبي هريرة المتقدم معنا عن خير الصفوف وشرها كذلك.

...reason for the prohibition is ...we see it as something that is ...the way to temptation. It is ...to those endowed with insight ...that bringing women's rows ...of men's rows paves the way ...temptation.

...previously mentioned, the ...(ﷺ) ordered women not to ...their heads after bowing until the ...stood up. It is obvious that the ...scenario is more serious; a man ...at a young lady before him as ...s and prostrates during prayer. ...uld indeed be a source of temptation as well as a distraction that would ...his concentration. Some women ...days, especially in the West, come ...mosque attired in extravagant, ...fitting clothes that do not even ...the parts of their body that must ...ered at all times. Combine this ...the aforementioned causes, and ...sons for this prohibition being ...tory becomes even more clear ...sound-minded individual who ...sses even minimal knowledge ...the objectives and rules of the ...the rank and value of prayer, ...sanctity and purity of mosques.

فإذا انضاف إلىٰ الأصل الاستدلال بسد الذريعة إلىٰ الفتنة لظهر وجه المنع. أما كون صف النساء أمام الرجال ذريعة إلىٰ الفتنة، فظاهر لذوي البصائر والحجا، ولقد آمرهن رسول اللَّه ﷺ ألَّا يرفعن رؤوسهن حتىٰ يرفع الرجال من الركوع كما تقدم، والعكس أشد وأخطر، ونظر الرجل إلىٰ شابة تركع وتسجد أمامه في الصلاة فتنة له وتشتيت لذهنه وإذهاب لخشوعه؛ فإذا انضاف إلىٰ ذلك أن من النساء في زماننا، وسيَّما في الغرب، من يأتين إلىٰ المساجد بملابس زينة ضيقة، بل وغير ساترة للعورة، لزاد اليقين بوجوب المنع لدىٰ كل عاقل وكل من كانت عنده أدنىٰ بصيرة بمقاصد الشريعة وقواعدها وقدر الصلاة ومكانتها وحرمة المساجد وطهارتها.

Many of those who urge making the rows of women adjacent to those of men want to contravene the Sunnah just to prove to the non-Muslims that men and women are equal. This is one more reason for one to support this forbiddance.

ثم إذا انضاف إلىٰ كل هذا أن كثيرًا ممن يحضون علىٰ جعل صفوف النساء بمحاذاة صفوف الرجال إنما يريدون بذلك مخالفة السنة ليثبتوا لغير المسلمين أن الرجل والمرأة يستويان، لتأكد المنع مرة أخرىٰ.

Surely the Sunnah is the revelation of heaven, and the Sharia, as Ibn al-Qayyim has said, is Allah's justice among His bondsmen, His mercy among His creation, His shade on this earth and His wisdom that is evidence of Him and of the truth of His Messenger (ﷺ).[151]

إن السنة هي وحي السماء والشريعة التي هي – كما قال ابن القيم –: «عدل اللّٰه بين عباده، ورحمته بين خلقه، وظله في أرضه، وحكمته الدالة عليه وعلىٰ صدق رسوله ﷺ أتم دِلالة وأصدقَها».[١٥٢]

Advancing women's rows nowadays with the allegation that this must be done to establish their equity with men is indeed impudence to Allah, the Lord of the earth and heavens, because it entails ascribing defects to His rulings. By Allah (ﷻ), I fear immense trials and a bad end for those who do so.

إن تقديم صفوف النساء الآن بزعم مساواتهن بالرجال لافتراء علىٰ رب الأرض والسماوات، وفيه ما فيه من نسبة النقص إلىٰ أحكامه، وإني واللّٰه لأخشىٰ علىٰ مثل هؤلاء الفتنة وسوء الخاتمة.

For women to pray without a screen in front of or beside men, where some of them might be seen by men, is not allowed if there is another alternative. In case of necessity, though, it is permissible and does not affect the soundness of prayer. If a screen is there, the situation becomes easier. It might be necessary

إن صلاة النساء أمام الرجال أو علىٰ جانبي الصفوف مع تقدم بعضهن بحيث يراهن الرجال، ومن غير وجود الحائل، لا يسوغ في حال الاختيار بحال، وإن ساغ لم يؤثر علىٰ صحة الصلاة في حال الاضطرار. أما عند وجود الحائل، فالأمر

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[151] Abu 'Abdullāh Shams ud-Deen Muhammad ibn Abi Bakr Ibn al-Qayyim, *I'lâm al-Muwaqi'een*, (Beirut: Dar an-Nashr/ Dar al-Jeel, 1973) 3:11.

(١٥٢) «إعْلام المُوَقِّعِين» لابن القيِّم (ج٣/ ص١١).

…flexibility because mosques …times small, and many of them …purpose-built. It could be per…ble for women to pray in front of … at their sides, or even before …, as per the stronger opinions …holars.

أهون وقد يلزم التوسيع في ذلك لضيق المساجد في بعض الأحوال وكون كثير منها لم يصمم ليكون مسجدًا، فتجوز صلاتهن أمام الرجال وعلىٰ الجانبين، بل وأمام الإمام علىٰ الصحيح.

…legitimacy of the …een

مشروعية الحائل

…er behind a screen valid?

أولًا: هل تصح الصلاة خلف الحائل؟

…me screens contain holes to allow … through them, while others do … The ruling is different in each case.

إن الحائل إما أن يكون فيه نقوب تسمح بالرؤية أو لا يكون. وبينهما فرق في الحكم.

There is a consensus that it is per…ssible to pray behind a screen that is …ble and does not block the view. …e issue of continuity of the men's …s with those of women does not …; on the contrary, the best of their …s are the ones towards the end.

أما الحائل الذي لا يمنع من الاستطراق والرؤية، فالجماهير علىٰ جواز الصلاة خلفه[١٥٣]، ولا ترد مسألة تواصل الصفوف علىٰ صفوف النساء، بل خير صفوفهن آخرها وهن يبدأن صفوفهن من الخلف إلىٰ الأمام.

…n al-Humâm has explained the …afi school of thought in the follow…g words:

The first of the screens was a wall, with the height of a man, without any holes. Scholars disagree about praying behind a screen with a hole

قال ابن الهمام حاكيًا مذهب الأحناف: «فالأول منه [الحوائل] حائط قدر قامة الرجل ليس فيه نقب، فإن كان فيه ولا يمكن الوصول منه لكن لا يشتبه عليه حال الإمام اختلفوا فيه واختيار الحلواني الصحة،

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(١٥٣) شرح فتح القدير ج١/ ص٣٨١ ومجموع الفتاوىٰ ج٢٣/ ص٤٠٧ وعمدة القاري ج…

in it that does not allow viewing but does not cause uncertainty about the status of the imam; al-Ḥalwâni, however, has considered it valid.

وعلىٰ هذا الاقتداء من سطح المسجد أو المئذنة، ولهما باب في المسجد ولا يشتبه يجوز في قولهم، وإن كان من خارج المسجد ولا يشتبه فعلىٰ الخلاف. وفي الخلاصة اختار الصحة»(١٥٦).

Analogous to this is following the imam from the roof of the mosque or the minaret. In their opinion, it is permissible if they have a door to the mosque and there is no uncertainty about the status of the imam. There is a dispute concerning praying outside the mosque when there is no uncertainty. In conclusion, he chose to consider it valid.[154]

Mâlik has said:

Whoever prays in the yards connected to the mosque or in the open spaces adjacent to it, his prayer shall suffice him. This continued to be the state of affairs; none of the scholars of jurisprudence criticized it. No one should perform the Friday prayer by following the imam in a closed house where no one enters except with permission, even if it is near (to him), because it not a part of the mosque.[155]

وقال مالك: «فمن صلىٰ في شيء من أفنية المسجد الواصلة به من المسجد أو في رحابه التي تليه فإن ذلك مجزئ عنه ولم يزل ذلك من أمر الناس لم يعبه أحد من أهل الفقه. قال مالك: فأما دار مغلقة لا تدخل إلا بإذن فإنه لا ينبغي لأحد أن يصلي فيها بصلاة الإمام يوم الجمعة وإن قربت لأنها ليست من المسجد»(١٥٧).

[154] Kamâl ad-Deen Muḥammad ibn 'Abdul-Wâḥid as-Seewâsi Ibn al-Humâm, *Sharḥ Fatḥ al-Qadeer* (Beirut: Dâr al-Fikr, n.d.), 1:381.

[155] Aḥmad ibn al-Ḥusayn al-Bayhaqi, *Sunan al-Bayhaqi al-Kubrâ* (Makkah: Dâr al-Bâz, 1414 AH), 3:111.

(١٥٦) شرح فتح القدير ج١/ ص٣٨١.

(١٥٧) سنن البيهقي الكبرىٰ ج٣/ ص١١١.

…behind a screen that has …, and that hinders viewing and … from one side to the other is … controversial. The Mâlikis have … it, as have the majority of … in conditions of necessity. The … Shâfi'is and Ḥanbalis have for- … it.[158]

… Abu Shaybah has reported in his … through a non-authentic chain … after 'Umar (رضي الله عنه), that it … for both men and women; … an-Nakh'i and ash-Sha'bi have … this. He has also reported … (رضي الله عنه), Abu Hurayrah (رضي الله عنه) … Mijlaz in a chain of transmis- … which al-Albâni considered more … that it is permissible.[159] When … was asked about the ruling of … who could not see the imam but … to hear the takbeer, he replied … suffices her.[160]

أما الصلاة خلف الحائل الذي لا نقب فيه ويمنع الرؤية والاستطراق، فالخلاف فيه أكثر، وإن جوزه المالكية، بل والجمهور عند الحاجة(١٦١)، ولكن منعه الحنفية والشافعية والحنابلة(١٦٢)، ونقل ابن أبي شيبة في مصنفه المنع للرجل والمرأة عن عمر بسند لا يصح، و إبراهيم النخعي، والشعبي؛ ونقل الجواز عن أنس، وأبي هريرة، وأبي مجلز بأسانيد وصفها الألباني بالأصح(١٦٣). وسئل أبو مجلز عن المرأة لا ترىٰ الإمام وتسمع التكبير، فقال: «يجزئها ذلك»(١٦٤).

… Taymiyah has said:

وقال ابن تيمية: «وأما إذا كان بينهما حائل يمنع الرؤية والاستطراق ففيها عدة

[158] … Humâm, *Sharḥ Fatḥ al-Qadeer*, 1:381.

[159] … Nâsir ud-Deen al-Albâni, *Irwâ' al-Ghaleel* (Beirut/ Damascus: al-Maktab …, 1399 AH); hadith # 543.

[160] … 'Abdullâh ibn Muḥammad al-Kufi Ibn Abi Shaybah, *Muṣannaf Ibn Abi* … (Riyadh: Maktabat ar-Rushd, 1409), 2:35.

(١٦١) عمدة القاري ج٥/ ص٢٦٢ ومعرفة السنن والآثار ج٢/ ص٣٨٧.

(١٦٢) شرح فتح القدير ج١/ ص٣٨١.

(١٦٣) إرواء الغليل رقم ٥٤٣.

(١٦٤) مصنف ابن أبي شيبة ج٢/ ص٣٥.

There are several opinions of Aḥmad and others concerning the case when there is a screen that prevents seeing and moving. Some say it is permissible, while others say it is not. Yet others have suggested that it is permissible only inside the mosque and not in any other places unless there is a genuine need. There is no doubt that it is absolutely permissible in cases of need, such as when the mosque doors are shut, when the compartment in which the imam is present is closed, and other similar situations.

Even if seeing is obligatory, it would be disregarded during times of genuine need or emergency. This is more desirable than using this as an excuse to drop the obligatory acts of prayer or to avoid prayer in congregation. It must be noted that in all cases, prayer in congregation is better than praying alone.

He was asked about the legal opinion concerning the validity of the prayer of one who prays after the imam with a screen between them, such that he cannot see the imam or those who can see the imam.

He answered:

Praise be to Allah (ﷻ). Yes, it is valid according to most of the scholars. It is the frank stipulation by Aḥmad who

أقوال في مذهب أحمد وغيره: قيل: يجوز؛ وقيل: لا يجوز؛ وقيل: يجوز في المسجد دون غيره؛ وقيل: يجوز مع الحاجة ولا يجوز بدون الحاجة؛ ولا ريب أن ذلك جائز مع الحاجة مطلقًا، مثل أن تكون أبواب المسجد مغلقة، أو تكون المقصورة التي فيها الإمام مغلقة، أو نحو ذلك، فهنا لو كانت الرؤية واجبة لسقطت للحاجة كما تقدم فإنه قد تقدم أن واجبات الصلاة والجماعة تسقط بالعذر وأن الصلاة في الجماعة خير من صلاة الإنسان وحده بكل حال. وسئل عمن يصلي مع الإمام، وبينه وبين الإمام حائل بحيث لا يراه ولا يرى من يراه هل تصح صلاته أم لا؟ فأجاب: «الحمد لله؛ نعم تصح صلاته عند أكثر العلماء، وهو المنصوص الصريح عن أحمد، فإنه نص على أن المنبر لا يمنع الاقتداء». والسنة في الصفوف أن يتموا الأول فالأول ويتراصون في الصف فمن صلى في مؤخر المسجد مع خلو ما يلي الإمام كانت صلاته مكروهة والله أعلم».١٦٥ قلت: الكراهة هنا للرجال دون النساء، فالسنة لهن أن يُصَلِّينَ في مؤخر المسجد.

(١٦٥) مجموع الفتاوى ج٢٣/ ص٤٠٨.

...that the pulpit (blocking one's ...) does not prevent following the ...

...ding to the Sunnah, the rows ...be completed in such a way ...the first row is filled com... then the second, and so on. ...also have to be straight. No ...should pray in the rear of the ...if it means leaving empty ...s behind the imam, or else his ...would be disliked, and Allah ...knows best.[166]

...: The offense here is for men ...for women, as the Sunnah has ...nded that they pray towards ...of the mosque by default.

...Bayhaqi reported in *Ma'rifat as-...al-Athâr.*

...ash-Shâfi'i has said that it is not ...missible for one who is in a ...se, whether near the mosque or ...from it, to pray inside it unless ...ows reach him at the ground ...with no barrier between him ...the rows.

...was asked if he could provide ...ence from texts, and he said:

...women prayed with 'Â'ishah ...in her room, and she said: Do

وفي معرفة السنن والآثار، روى البيهقي في باب (لا بأس بالصلاة في رحبة المسجد والبلاط بصلاة الإمام): «...قال الشافعي فيمن كان في دار قرب المسجد أو بعيدًا منه لم يجز له أن يصلي فيها إلا أن تتصل الصفوف به، وهو في أسفل الدار لا حائل بينه وبين الصفوف...»، قال: فإن قيل: أفتروي في هذا شيئًا؟ قيل: صلى نسوة مع عائشة في حجرتها، فقالت: «لا تصلين بصلاة الإمام فإنكن دونه في حجاب». قال: وكما قالت عائشة في حجرتها إن

...Taymiyah, *Majmoo' al-Fatâwâ*, 23:408.

not pray after the imam, for you are separated from him by a barrier.

He said:

The case is exactly as 'Â'ishah (ﷺ) said, even if these were not her exact words.[167]

Imam Shâfi'i has also said in this context:

This is different from the compartment of the imam because the compartment is a part of the mosque, even though it is a barrier between those who are behind it and the imam. This is like a partition of the pillars or less, or the partition consisting of the box holding copies of the Qur'an, or the like.[168]

كانت قالته».^١٦٩ ... قال الشافعي في خلال ذلك: وهذا مخالف للمقصورة، المقصورة شيء من المسجد؛ فهي وإن كانت حائلًا دون ما وراءها بينه وبين الإمام فإنما هو كحول الإسطوان أو أقل وكحول صندوق المصاحف وما أشبهه».^١٧٠

Preponderance

الترجيح

The dispute on this issue is well known, with strong arguments on both sides. However, the stronger view is that it is valid to pray behind and follow the imam without being able to see him if it is a case of genuine need or emergency. Even in this case, though, it must be possible to hear him. There is

إن الخلاف في هذه المسألة كثير مشهور، والأرجح صحة الصلاة والاقتداء مع عدم إمكان الرؤية عند الحاجة؛ وذلك إذا أمكنت المتابعة بالسماع، لعدم الدليل على المنع ولتصحيحهم جميعًا الصلاة على سطح المسجد، وقد تتعذر الرؤية.

[167] The narration has not been proven to be 'Â'ishah's; al-Albâni said, "I did not find it." Al-Albâni, *Irwâ' al-Ghaleel*, no. 543.

[168] Aḥmad ibn al-Ḥusayn al-Bayhaqi, *Ma'rifat as-Sunan wal-Âthâr* (Beirut: Dâr al-Kutub al-'Ilmiyah, n.d.), 2:387.

(١٦٩) لم يثبت عنها، بل قال الألباني في إرواء الغليل: لم أجده. إرواء الغليل رقم ٥٤٣.

(١٧٠) معرفة السنن والآثار ج٢/ ص٣٨٧.

...proof that this particular ...prohibited. Moreover, all the ...thought consider praying on ...the mosques to be valid even ...seeing the imam is difficult from ...praying in the open spaces adja... mosque is similar to praying ... mosque, according to the ... even if seeing the imam from ...difficult.

...Haytami said, "...those who are ... follow those in the mosque, ...something interferes between ...passing, etc."[171]

والصلاة في الرحبة عند الشافعية كالصلاة في المسجد وإن تعذرت الرؤية؛ قال الهيتمي رحمه اللَّه: «...ويصح الاقتداء لمن فيها بمن في المسجد، وإن حال بينهما ما يمنع المرور والرؤية وغير ذلك».^١٧٢

...this mean that we should con... the rule in women's prayer ... do not think so. In order to ... controversial issue, though, ... we choose when building a ... should not prevent seeing the ... moving about.

... will be discussed in more detail ... next topic.

ولكن، هل يفهم من ذلك أن نجعل ذلك الأصل في مصليات النساء؟ لا يظهر لي ذلك، بل الذي يظهر أن الحائل الذي نختاره عند بناء المسجد ينبغي ألا يمنع الرؤية والاستطراق، على أقل تقدير خروجًا من الخلاف. ونفصل القول في ذلك في المطلب القادم.

...lawful to set up a ... between men and ...men?

ثانيًا: هل تشرع إقامة حائل بين الرجال والنساء:

... is a subject of considerable ... and controversy, which some... ...entails an exchange of accusations

إن أمر إبقاء الحائل بين الرجال والنساء في المساجد مما كثر فيه الخلاف واللغط، بل

[171] ...al-Haytami, *al-Fatâwâ al-Fiqhiya al-Kubrâ* (Beirut: Dâr al-Fikr, n.d.), 3:229.

(١٧٢) الفتاوىٰ الفقهية الكبرىٰ ج٣/ ص٢٢٩.

between the parties. It has reached the point of attracting the attention of the U.S. media. It should be obvious why they are so interested in this matter and all similar ones that relate to Muslim women.

وتبادل التُّهم. ولقد وصل الأمر في بعض الأحيان إلىٰ أن استدعىٰ انتباه وسائل الإعلام الأمريكية، والتي لا يخفىٰ سر اهتمامها بهذا الأمر وكل ما يتعلق بالمرأة المسلمة.

Some people have claimed that the barrier between men and women is an illegal innovation. The truth is that it is a means of implementing certain Islamic injunctions. Besides, the Messenger of Allah (ﷺ) did not forbid it. After he died, people's circumstances changed. In line with the rising need, Muslims started to give more attention to the privacy of the women's prayer area in the mosques in order to keep it out of the sight and access of men. They took into consideration measures that would not deprive women from following the imam through hearing and seeing him, and that would at the same time guarantee cross-movement and continuity between women's and men's prayer areas.

بعض النـاس ادَّعـوا أن الحاجـز بين الرجـال والنسـاء بدعـة غير مشروعـة، والصواب أنه من الوسائل التي تأخذ أحكام مقاصدها، ولم ينه عنه رسول الله ﷺ، فلما مات ﷺ وتغيرت أحوال الناس، ووجد المقتضي، صار المسلمون إلىٰ جعل أماكن النساء في المساجد أكثر خصوصية وأبعد عن نظر الرجال، دون حرمان النساء من متابعة الإمام بالنظر والسماع، بل ومع ضمان الاستطراق أو التواصل بين مكاني النساء والرجال.

Proofs of the legitimacy of the barrier or screen

الأدلة علىٰ مشروعية الحاجز:

It was reported on the authority of Ibn Jurayj, who said:

'Aṭâ' informed me that when Ibn Hishâm prevented women from performing the ṭawâf with men, 'Aṭâ' [said]: How does he prevent them [when] the wives of the Prophet (ﷺ) [perform]ed ṭawâf with men?

[Ibn] Jurayj) asked: Was that after [the verse of the] hijab or before?

['Aṭâ'] replied: Yes, most verily, [it was] after the hijab.

[I said]: How did they intermingle [with men]?

[He said]: They did not intermingle. [ʿÂ'ishah] (ﷺ) used to circle the Kaaba [sep]arated from men (or to the [side] intermixing with them.

[A wo]man said: Let us kiss (or [touch] the black stone, O Mother of [the Believ]ers.

[She] replied: Forsake that, will you

[and she her]self refused. The female [compani]ons would go out (covered [so as to be]) unnoticed at night and [circle th]e Kaaba with men, but when [they wish]ed to enter the House, they [would st]and (wait for a while) until the [men] come out.

[I and 'Ubayd] would go to 'Â'ishah with ['Ubayd] ibn 'Umayr while she was [residing] inside the mount of Thabeer.

[Ibn Jurayj] asked: And what was [her hijab]?

[He] said: She was in a tent of [Turk]ish felt, with a light screen.

ما رواه البخاري في صحيحه عن ابن جُرَيْج قال: أخبرني عَطَاءٌ إذْ مَنَعَ ابنُ هِشَامٍ النِّسَاءَ الطَّوَافَ مع الرِّجَالِ قال: «كَيْفَ يَمْنَعُهُنَّ وقد طَافَ نِسَاءُ النبي ﷺ

مع الرِّجَالِ؟» قلت: «أَبَعْدَ الْحِجَابِ؟ أو قَبْلُ؟» قال: «إي لَعَمْرِي لقد أَدْرَكْتُهُ بَعْدَ الْحِجَابِ». قلت: «كَيْفَ يُخَالِطْنَ الرِّجَالَ؟» قال: «لم يَكُنَّ يُخَالِطْنَ،كانت عَائِشَةُ ﵂ تَطُوفُ حَجْرَةً من الرِّجَالِ لا تُخَالِطُهُمْ فقالت امْرَأَةٌ: «انْطَلِقِي نَسْتَلِمْ يا أُمَّ الْمُؤْمِنِينَ». قالت: «عَنْكِ». وَأَبَتْ وكُنَّ يَخْرُجْنَ مُتَنَكِّرَاتٍ بِاللَّيْلِ فَيَطُفْنَ مع الرِّجَالِ وَلَكِنَّهُنَّ كُنَّ إذا دَخَلْنَ الْبَيْتَ قُمْنَ حتىٰ يَدْخُلْنَ وَأُخْرِجَ الرِّجَالُ وَكُنْتُ آتِي عَائِشَةَ أنا وَعُبَيْدُ بن عُمَيْرٍ وَهِيَ مُجَاوِرَةٌ في جَوْفِ ثَبِيرٍ قلت: «وما حِجَابُهَا؟» قال: «هِيَ في قُبَّةٍ تُرْكِيَّةٍ لها غِشَاءٌ وما بَيْنَنَا وَبَيْنَهَا غَيْرُ ذلك وَرَأَيْتُ عليها دِرْعًا مُوَرَّدًا».[١٧٣]

(١٧٣) صحيح البخاري ج٢/ ص٥٨٥.

There was nothing else between her and us besides that, and I saw on her a rose-colored garment. (Bukhari)

Ḥâfidh ibn Ḥajar said in *Fatḥ ul-Bâri*: And in the narration of al-Kushmeehani, [the word is] 'ḥajzah', with the letter 'zay' [not 'ḥajrah', which would mean 'to the side'], which is the narration of 'Abdur-Razzâq. He explained it at the end, saying: It means separated from the men by a curtain.[174]

I referred back to *al-Muṣannaf*[175] and found the explanation of 'ḥajzah' towards the end of Umm Salamah's hadith, which follows this hadith of 'Â'ishah's and describes the same events.

قال الحافظ في الفتح: «وفي رواية الكُشْمِيهَنِيِّ «حَجْزة» بالزاي وهي رواية عبد الرزاق فإنه فسره في آخره، فقال: «يعني محجوزًا بينها وبين الرجال بثوب».[١٧٦] ولقد رجعت إلىٰ المصنف[١٧٧] فوجدت تفسير حجزة في آخر حديث أم سلمة التالي لحديث عائشة رضي الله عنها.

This hadith is the basis for the prescription of having a barrier between men and women during ṭawâf and in prayer, because the Mother of the Believers did so in the presence of the Companions, and no one condemned her. It is true that the Mothers of the Believers had their special rulings, but we can deduce from the hadith that it is permissible to use a screen when needed.

The Mothers of the Believers used to pray with the rest of the women in the mosque of the Messenger of Allah (ﷺ).

وهذا الحديث أصل في مشروعية اتخاذ الساتر في الطواف والصلاة بين النساء والرجال، فإنه فعل أم المؤمنين بمحضر من الصحابة ولم ينكره أحد. ولا يشغب علىٰ هذا الاستدلال أن لأمهات المؤمنين حكمًا خاصًا، فإنما نستدل علىٰ جواز اتخاذ الحاجز للحاجة، فإنهن كن يصلين في مسجد رسول الله ﷺ مع بقية النساء ثم

[174] Ibn Ḥajar, *Fatḥ al-Bâri*, 3:480.

[175] aṣ-Ṣan'âni, *al-Muṣannaf 'Abdur-Razzâq*, 5:68.

(١٧٦) فتح الباري ج٣/ ص٤٨٠.

(١٧٧) مصنف عبد الرزاق ج٥/ ص٦٨.

...ever, 'Â'ishah (رضي الله عنها) put up a ...ecause of crowding in the sanc-...osque in Makkah.

اتخذت عائشة ذاك الحاجز لما كان هناك زحام في المسجد الحرام.

...'s Messenger (ﷺ) has said: ...ayer of a woman in (the family ...n her home is better than her ...the formal reception area, and ... in her own private quarters ...than her prayer in (the family ...her home.» (Abu Dâwood)[178]

...n be deduced from this hadith ...woman is given more privacy ...osque, she can reap the rewards ...ing the congregational prayer ...lso preserving her modesty.

...uld be argued that the Messenger ...(ﷺ) and his Companions were ...eserving of this, but no one ...see himself as preceding them ...ent that they fell short of. The ...is that he guided us to do this; ...was no need for it at his time, ...need arose later. He left some ...to be carried out by his Compan-...ter him, such as the compilation ...Qur'an into one book[179] and the

قول رسول الله ﷺ: «صَلَاةُ الْمَرْأَةِ في بَيْتِهَا أَفْضَلُ من صَلَاتِهَا في حُجْرَتِهَا وَصَلَاتُهَا في مَخْدَعِهَا أَفْضَلُ من صَلَاتِهَا في بَيْتِهَا».[١٨٠]

ووجه الاستدلال أنه لو وفر للمرأة المزيد من الخصوصية في المسجد، لاجتمع لها شهود الجماعة والخير والحفاظ علىٰ الصيانة والستر. فإن قيل: فإن رسول الله ﷺ وأصحابه كانوا أحرىٰ بهذا الخير، ولا ينبغي للمرء أن يظن أنه يسبق إلىٰ فضل قصروا عنه، لكان الجواب بأنه دلنا علىٰ هذا الفعل، ولم يوجد المقتضي في زمنه ﷺ ووجد بعده. وإنه ﷺ ترك جمع القرآن وإدخال الحجر في البيت وغير ذلك مما فعله أصحابه من بعده.

...chain of narrators of this hadith is sound and according to the conditions of Imam ...slim.

...ing the life of the Prophet (ﷺ), the Qur'an was memorized by many of the Com-...ions, and it was also written down; however, different people had different parts ... After his death, Abu Bakr (رضي الله عنه) ordered that it be compiled into one copy. At the ... of the third caliph, 'Uthmân (رضي الله عنه), one official copy was made and reproduced; ... the same as any copy in the world since. (Editor)

(١٨٠) سنن أبي داود ج١/ ص١٥٦ عن ابن مسعود.

inclusion of the *hijr*[181] in the sanctified house of Allah (ﷻ).

Some readers might object, saying that I am contradicting myself. On the one hand, I have stated that preventing women from going to mosques on the pretext that circumstances have changed is not justified; on the other hand, I have recommended the use of screens. Yet *the difference between the two matters should be obvious: the first was prohibited by the Messenger of Allah (ﷺ) in very clear terms; in contrast, his Sunnah specified that the second was recommended and even obligatory when necessary.*

وإن قيل: تناقض نفسك فتمنع من منع النساء من المساجد بحجة تغير الأحوال، وتستدل بذات الحجة على اتخاذ الحاجز، لكان الجواب بأن الفرق واضح بين الأمرين، فالأول نهى عنه رسول الله ﷺ صراحة دون الثاني الذي أشارت سنته إلى استحبابه أو وجوبه عند وجود المقتضي.

Blocking the means to temptation

سد الذريعة إلى الفتنة

This rule lends support to the legitimacy of using a screen. Women nowadays go to mosques fully adorned. I was saddened to learn of photographs from as-Salâm Mosque that were published in newspapers in the U.S. At this mosque, they had pulled down the barrier segregating men from women, and some of the photographs showed young ladies wearing tight pants. To Allah (ﷻ) we complain.

إن هذه القاعدة مما يستدل به هنا على مشروعية اتخاذ الحاجز، فإن النساء لعمري يأتين إلى المساجد في كامل زينتهن، ولقد ساءني أن إحدى الصحف الأمريكية التقطت صورًا للنساء في مسجد السلام المذكور أعلاه بعد هدم الحائل، وإذا ببعضهن شواب يلبسن السراويل الضيقة، وإلى الله المشتكى.

[181] The ḥijr Ismâ'eel is the half-circle-shaped area next to the Kaaba, where Prophet Abraham (ﷺ) built a shelter for his wife Ḥajar and his son Ishmael (ﷺ). It used to be part of the Kaaba. (Editor)

...ideration of ...ic welfare

المصلحة

...rrent day and age, women come ...osques from some distance, so ...y need to stay there for some ...ther before or after the prayer. A ...n might wish to take off her hijab, ... nurse her infant or the like. ...ould a Muslim woman do any of *...things in the presence of men if the ...'s prayer places were exposed? ...en would then enjoy more privi... ...than women in the mosque, such ...e able to rest and relax with their*

إن للنساء في زماننا، وهن يأتين للمساجد من أمكنة بعيدة، حاجة للمكث في المسجد فترات بعد الصلاة أو قبلها، وقد تحتاج أن تتخفف من بعض ثيابها أو تتكئ أو ترضع وليدها أو غير ذلك. ومع انكشاف مكانهن، لا أعتقد أن امرأة مسلمة تفعل شيئًا من ذلك أمام الرجال. يبقى إذًا للرجال من الحقوق في المساجد ما لا تحصله النساء من الراحة والتبسط في الحديث مع الإخوان وغير ذلك.

...n objector insists that, concerning ...tter, women must stick to what ...cestors used to do during the time ...e Prophet (ﷺ), we can only ask ...replicate the rest of the matters at ... We do not intend to incapaci... ...m by demanding a generation like ... we are just calling for the same ...es and arrangements, such as:

بقي أن المخالف إن تمسك بما كان عليه الحال في عهده ﷺ، لطالبناه ببقية ما كان عليه الحال في عهده ﷺ، ولسنا في ذلك نعجزه بطلب جيل كجيلهم، بل نطالب بذات الممارسات ونفس التدابير، ومنها:

- ...men should to go to the mosque ...thout perfuming themselves,[182] ...nd they should wrap themselves in ...er garments similar to those of

– أن تأتي النساء إلى المساجد تفلات[١٨٣] متلفعات بمروطهن[١٨٤] كما كن يفعلن الصحابيات ﷺ.

[182] ...awawi, *al-Majmoo'*, 5:12.

(١٨٣) وحسن الزيادة النووي في المجموع ج٥/ ص١٢.

(١٨٤) صحيح مسلم ج١/ ص٤٤٥.

the female Companions (may Allah be pleased with them).

- Women should depart quickly after the prayers have ended. The female Companions (may Allah be pleased with them) used to leave in such a manner that they were unrecognizable; they would depart after the morning prayer while it was still dark. (Muslim)

– أن ينصرفن سريعًا بعد الصلاة كما فعلن ﷺ، حتىٰ أنهن لم يكنَّ يُعرفن من الغلس عند انصرافهن من صلاة الصبح[١٨٦].

- Men should not look back until all the women have left. (Bukhari)

– ألا يستدير الرجال حتىٰ تنصرف النساء[١٨٧].

- A special door should be assigned for women to enter and leave the mosque. (A sound hadith recorded by Abu Dâwood)

– أن يخصص لهن باب لخروجهن ودخولهن[١٨٨].

- Women should observe modesty in their speech, neither speaking tenderly nor raising their voices unnecessarily. (Abu Dâwood)[185]

– أن يراعين الاحتشام في كلامهن ولا يُلنَّ القول ولا يرفعن الصوت عن قدر الحاجة[١٨٩].

[185] There are reservations concerning this hadith, but the one preceding it supports it, since these are the fundamentals of Islamic law.

(١٨٦) صحيح مسلم ج١/ ص٤٤٥.

(١٨٧) صحيح البخاري ج١/ ص٢٨٧.

(١٨٨) سنن أبي داود ج١/ ص١٢٦.

(١٨٩) سنن أبي داود ج٤/ ص٣٦٩. والحديث وإن كان فيه مقال، فإن ما قبله يشهد له، وأصول الشريعة كذلك.

- If both men and women are trying to enter or leave at the same time, the women should wait, in order to avoid racing with men to reach the door of the mosque, the elevators or the like.[190] (Based on a sound hadith recorded by Abu Dâwood)

– ألا يحققن الطريق،[١٩١] ومن ذلك أن يتأخرن في الدخول والخروج حتىٰ لا يزاحمن الرجال داخل المسجد علىٰ الأبواب وفي المصاعد وغيرها.[١٩٢]

See 'Â'ishah's narration, which was mentioned earlier, about how she skipped touching the black stone; she explained: "…when they wanted to enter the House, they used to stand (wait for a while) until the men had come out…"

وانظر حديث عائشة أعلاه وتركها لاستلام الحجر، وفيه: «كُنَّ إذا دَخَلْنَ الْبَيْتَ قُمْنَ حتىٰ يَدْخُلْنَ وَأُخْرِجَ الرِّجَالُ».

Since we have established the legitimacy of the screen, can we say that its use is obligatory?

This is something that might vary from one mosque to another. In some of the large mosques where there is a vast space separating men and women, a screen may not be needed, even though it is preferable for the comfort and reassurance of women. On the other hand, in small mosques where men and women, young and old, may have to sit facing and looking at one another after the prayer, a screen undoubtedly becomes obligatory.

أما وقد قررنا مشروعية الحائل، فهل نقول بوجوبه؟ لعل الأمر يختلف من مسجد لآخر ففي بعض المساجد العظيمة التي يكون الفاصل فيها بين موقف الرجال والنساء شاسعًا، ربما لا يحتاج للفاصل وإن كان يستحب لراحة النساء وطمأنينتهن. أما في بعض المساجد الصغيرة، والتي ترىٰ الرجال والنساء كبارًا وصغارًا متقابلين في جلستهم بعد الصلاة ينظر بعضهم إلىٰ بعض، فالوجوب هنا لا يشك فيه. إن بعض

[190] Abu Dâwood. This hadith, even if it has its criticism, is strengthened by the one preceding it, as well as by the basic principles of Sharia.

(١٩١) سنن أبي داود ج٤/ ص٣٦٩. والحديث وإن كان فيه مقال، فإن ما قبله يشهد له، وأصول الشريعة كذلك.

(١٩٢) سنن أبي داود ج١/ ص١٢٦.

Some places of worship in the West have become places of questionable conduct. Indeed, we do not want our mosques to tread this path.

المعابد قد صارت في الغرب مواطن عطب وأماكن ريبة؛ فهل نرضىٰ ذلك لمساجدنا؟

Sometimes a screen interferes with a woman's concentration (tranquility of the heart and stillness of the body) during prayer; it also impedes listening to sermons of knowledge. The result is that the women's prayer area becomes totally detached from what is taking place in the mosque. Therefore, emphasis should be strictly laid on protecting a Muslim woman's right to learn, benefit and achieve concentration (tranquility of the heart and stillness of the body).

ويبقىٰ أنه في كثير من الأحوال يكون الحائل حائلًا بين النساء والخشوع في الصلاة وسماع العلم، فيصير مصلىٰ النساء وكأنه عالم آخر منفصل بالكلية عما يدور بالمسجد. لذا ينبغي التشديد ويكل حزم علىٰ حماية حق المرأة المسلمة في التعلم والاستفادة والخشوع؛ وكذلك حماية المساجد من أن تصير مصليات النساء المنفصلة فيها أمكنة للسمر وما يستتبعه في الغالب من الغيبة والنميمة والنزاع والخصومة. وإنما يكون ذلك بما يأتي:

In the meantime, the women's prayer area in the mosque should not become a place for entertainment, backbiting, tale-bearing, quarrelling and dissension. To achieve this end, the following should be implemented:

1. The women's prayer areas should not be designated in rooms that are totally separate from the mosque itself.

١- ألا تكون أمكنة صلاة النساء في حجرات منفصلة.

2. The screen should not hinder hearing, seeing or passing between the men's hall and the women's area. No one would deny this, since the majority of scholars do not approve of praying behind screens without a genuine need. There are several types of screens that can fulfill this aim, including one-way mirrors that prevent seeing from one side and wooden partitions with latticework. The barrier or screen should not be excessively high, and a passage should be made on one side to allow communication and passing between the two halls. The women's prayer area can also be constructed on a higher floor that overlooks the main hall of the mosque.

٢- ألا يكون الحائل مما يمنع الرؤية والسماع من غير تكلف والاستطراق بين القاعة الرئيسة ومصلىٰ النساء. كيف لا والجمهور لا يصححون الصلاة - عند عدم الحاجة -خلف تلك الحواجز. إن هناك أنواع من الحوائل تؤدي هذا الغرض كزجاج المرايا الذي يمنع الرؤية من إحدىٰ الجهتين، والخشب المعشق المعروف بالأرابيسك، ولا ينبغي أن يبالغ في ارتفاع الحاجز، وينبغي أن يترك ممر في جانب منه لحصول التواصل بين القاعتين والاستطراق. وقد يجعل للنساء طابق يصعدن إليه فيشرفن علىٰ القاعة الرئيسة للمسجد.

3. The scholar or imam should schedule special classes exclusively for women, similar to those organized by the Messenger of Allah (ﷺ).

«Abu Sa'eed al-Khudri narrated: Some women requested that the Prophet (ﷺ) set aside a day for them because the men were taking all his time. Hearing that, he promised them one day (a week) in which he would meet with them, preach to them and advise them.» (Bukhari)

٣- أن تخصص دروس للنساء كما كان يفعل رسول اللّٰه ﷺ فعن أبي سَعِيدٍ الْخُدْرِيِّ: «قالت النِّسَاءُ لِلنَّبِيِّ ﷺ: غَلَبَنَا عَلَيْكَ الرِّجَالُ فَاجْعَلْ لنا يَوْمًا من نَفْسِكَ، فَوَعَدَهُنَّ يَوْمًا لَقِيَهُنَّ فيه فَوَعَظَهُنَّ وَأَمَرَهُنَّ». [١٩٣]

4. Women should not be prevented from coming out from behind the screen to listen to a lesson or to query the imam. How could we prevent them when women used to answer the Messenger of Allah (ﷺ) and his successors in his mosque?

٤- ألا يمنعن من الخروج من وراء الحائل لسماع درس أو مراجعة الإمام. كيف نمنعهن، وقد كانت النساء يجبن رسول اللّٰه ﷺ وخلفاءه في مسجده.

(١٩٣) صحيح البخاري ج١/ ص٥٠.

5. The imam should not ignore them.

Jabir ibn 'Abdullah reported: I observed prayer with the Messenger of Allah (ﷺ) on the day of Eid. He commenced with prayer before the sermon, without a first or second call to prayer. He then stood up, leaning on Bilal, and commanded (them) to be vigilant with regard to the rights of Allah; he exhorted (them) to obey Him, and he preached to the people and admonished them.

He walked on until he came to the women. He preached to them, admonished them, and said to them: Give alms, for most of you are the fuel for hell.

One of the best women, with blemished dark cheeks, stood up and asked: Why is that so, Messenger of Allah?

He said: That is because you grumble often and show ingratitude to your husbands.

Then they began to give alms out of their ornaments, such as their earrings and rings, which they threw on to Bilal's cloth.» (Muslim)

٥ - ألّا يهملهن الإمام، فعن جابر بن عبد اللَّه قال: شَهِدْتُ مع رسول اللَّهِ ﷺ الصَّلاةَ يوم الْعِيدِ فَبَدَأَ بِالصَّلَاةِ قبل الْخُطْبَةِ بِغَيْرِ أَذَانٍ ولا إِقَامَةٍ ثُمَّ قام مُتَوَكِّئًا علىٰ بِلَالٍ فَأَمَرَ بِتَقْوَىٰ اللَّهِ وَحَثَّ علىٰ طَاعَتِهِ وَوَعَظَ الناس وَذَكَّرَهُمْ، ثُمَّ مَضَىٰ حتىٰ أتىٰ النِّسَاءَ فَوَعَظَهُنَّ وَذَكَّرَهُنَّ فقال: «تَصَدَّقْنَ فإن أَكْثَرَكُنَّ حَطَبُ جَهَنَّمَ». فَقَامَتِ امْرَأَةٌ من سِطَةِ النِّسَاءِ سَفْعَاءُ الْخَدَّيْنِ فقالت: «لِمَ يا رَسُولَ اللَّهِ؟» قال: «لِأَنَّكُنَّ تُكْثِرْنَ الشَّكَاةَ وَتَكْفُرْنَ الْعَشِيرَ». قال: «فَجَعَلْنَ يَتَصَدَّقْنَ من حُلِيِّهِنَّ يُلْقِينَ في ثَوْبِ بِلَالٍ من أَقْرِطَتِهِنَّ وَخَوَاتِمِهِنَّ».[194]

Such care for, and interaction with, women would have never been possible had they been in a separate room.

إن مثل هذه العناية بالنساء وذاك التفاعل معهن لا يتأتىٰ إن كن في حجرة منفصلة تمامًا.

(١٩٤) (ق) صحيح مسلم ج٢/ ص٦٠٣.

Chatting and online correspondence

المحادثة والمراسلة عبر الإنترنت

Undoubtedly, the Internet has become one of the most characteristic features of contemporary times. Like most other tools, it is a combination of good and evil, and both are of great significance. The question that arises now, pertaining to the issue of gender intermingling, is: what is the ruling on mingling in that virtual world? What is the impact of that ruling on our approach to the Internet itself?

إن الشبكة العنكبوتية قد صارت من أهم سِمات ومعالم عصرنا هذا، وإنها كغيرها قد اختلط خيرها بشرها وكلاهما عظيم. والسؤال الآن الذي يتعلق بموضوعنا عن اختلاط الرجال بالنساء هو ما حكم الاختلاط في ذاك العالم الافتراضي ؟ وما أثره علىٰ تعاملنا مع هذه الشبكة؟

To begin with, the use of the term 'mingling' here is allegorical, since chatting between two individuals who are separated by thousands of miles does not fit the definition of mingling as stated near the beginning of this book.

بداية، إن اسم اختلاط هنا يطلق مجازًا، لأن المحادثة بين شخصين بينهما آلاف الأميال لا تندرج أصلًا تحت تعريف الاختلاط الذي ذكر في أول الكتاب.

Secondly, it is essential that we admit the benefits of the Internet and realize the necessity for Muslims to reap these benefits to the best of their ability. This is a positive approach, exercised wisely by a vast majority.

ثانيًا، إن الإقرار بنفع الشبكة المعلوماتية وضرورة عدم تخلف المسلمين عن الاستفادة منها أمر واجب، ولعل الأغلبية الساحقة من العقلاء لا يشكون في ذلك.

Nevertheless, is there any danger in men and women using and interacting over the Internet? By Allah (ﷻ), the

ولكن هل ثمة خطر في استعمال الناس رجالًا ونساء للشبكة؟ اللَّهم نعم، وأرجو ألا تنازع في ذلك الأغلبية الساحقة من العقلاء

answer is yes. I hope the vast majority of the wise individuals will not question this.

Many righteous men and women take a more permissive stand towards online chatting and correspondence. In that virtual world, as they call it, they behave in a way that is completely different from how they conduct themselves in the real world. This is mainly due to their sense of security that the other correspondents are unable to see them, and that even if or when they do, they are far away. This results in the deterioration of modesty and the audacity to indulge in impropriety. People by now have realized that unguarded interactions frequently lead to infatuation and temptation. Moreover, they may lead to committing enormous sins, and that could happen even without any physical meeting. How often do women complain about their husbands' disinterest in them and attachment to other women in the virtual world? The husbands spend a great deal of time engaging in improper conduct with those women.

كذلك. إن كثيرًا من الصالحين والصالحات يتساهلون في أحاديث الشبكة، وقد يكون منهم في ذاك العالم الافتراضي - كما يسمونه - ما لم يكن ليصدر عنهم خارجه، وذلك لاطمئنان كل واحد من المتحدثين من عدم اطلاع الآخرين عليه، ولو اطلعوا فإن بُعد المسافات يؤدي إلىٰ قلة الحياء والجرأة علىٰ ما لا يليق. إن العام والخاص قد علموا بأن تلك الأحاديث تجر في أحيان كثيرة إلىٰ الإعجاب والافتتان بل واللقاء والوقوع في المنكرات العظيمة، وحتىٰ من غير لقاء، فما أكثر شكوىٰ النساء من انصراف أزواجهن عنهن وتعلقهم بنساء في ذاك العالم الافتراضي يقضون معهن الأوقات الطويلة فيما لا يليق بمسلم ولا مسلمة.

Having recognized those dangers, is it now more appropriate to bar one or both of the two sexes from the Internet in order to block the means to evil? The question may be legitimate, since it is established in our religion that avoiding harm takes precedence over attaining

إذا علم ذلك فهل يسوغ أن نمنع أحد الجنسين أو كليهما من الشبكة، سدًّا للذرائع ولما تقرر عندنا من أن دفع المفاسد مقدم علىٰ جلب المصالح؟ وقد حرم الله ﷻ الخمر وذكر أن فيها منافع للناس. الحق

benefit. Did Allah (ﷻ) not forbid wine despite having mentioned its benefits? Despite that, this conclusion does not appear valid to me because the harms of wine clearly outnumber its benefits, while this is not necessarily the case with the Internet. Moreover, it is not possible to attain the benefits of wine without incurring some harm. With regard to the Internet, it may be true that completely avoiding harm may not be feasible, yet it is possible to contain it to a great extent. The question now is: how do we do that?

أن هذا لا يظهر وذلك لكون إثم الخمر أكبر من نفعها وهذا لا ينطبق بالضرورة علىٰ الشبكة، ولاستحالة تحصيل منافع الخمر مع السلامة من أضرارها. أما الشبكة، فلعل السلامة الكاملة من الأضرار تتعذر، ولكن تقليلها إلىٰ حد كبير ممكن وواجب، فكيف نفعل ذلك؟

Firstly, it is essential that we do not waste our precious time in frivolous activities over the Internet. The Internet can be compared to a huge market; it has the potential to distract us with vanities and devour our time. Even chatting amongst the same gender, if done in excess, could waste one of the human's greatest assets: time — or you might say life. The Prophet (ﷺ) said:

«There are two blessings regarding which many people are losers: good health and free time.» (Bukhari)

He also said:

«A person's feet will not move on the Day of Resurrection (meaning that he will not be dismissed) until he has been asked about how he spent his life, what he did with his knowledge, how he acquired his wealth and how he spent

ينبغي ألا نضيع الأوقات علىٰ الشبكة فيما لا خير فيه ولا طائل منه، والحال أنها كالسوق الكبيرة قد تلهي الإنسان عن مصالحه وتفترس أوقاته. إن مجرد المحادثات، حتىٰ وإن كانت بين الرجال فيما بينهم، فإن الإسراف فيها مضيعة لأغلىٰ ما يملك الإنسان، وهو وقته، أي عمره. لقد قال الصادق ﷺ: «نِعْمَتَانِ مَغْبُونٌ فِيهِمَا كَثِيرٌ مِنْ النَّاسِ الصِّحَّةُ وَالْفَرَاغُ». [البخاري]

وقال ﷺ: «لَا تَزُولُ قَدَمَا عَبْدٍ يَوْمَ الْقِيَامَةِ حَتّىٰ يُسْأَلَ عَنْ عُمُرِهِ فِيمَ أَفْنَاهُ، وَعن عِلْمِهِ فِيمَ فَعَلَ، وعن مَالِهِ مِنْ أَيْنَ اكْتَسَبَهُ وَفِيمَ أَنْفَقَهُ، وعن جِسْمِهِ فِيمَ أَبْلَاهُ». [رواه الترمذي عن أبي بَرْزَةَ الأَسْلَمِيِّ]

it, and in what he wore his body (health) (at-Tirmidhi; al-Albâni graded it as authentic):

إن العاقل ينبغي أن يكون أَضَنَّ بوقته من إهداره في مواطن هي أقرب إلىٰ العطب والفساد منها إلىٰ الرشد والصلاح.

The wise must be stingier with their time, ensuring that it is spent in pursuits that are closer to righteousness and profit than they are to corruption and destruction.

ينبغي اجتناب كل شر وفتنة قدر الإمكان واختيار المواقع التي لا تعرض فيها صور عارية أو إعلانات تحويها، ففي الأغلب تكون هناك بدائل، فالمرء قد يحول من موقع يقدم الخدمات البريدية به تلك المخالفات إلىٰ آخر وهذا كله موجود علىٰ الشبكة. أما إن كانت هناك منفعة معتبرة لا يتوصل إليها إلا بتحمل شيء من الكدر كصور النساء علىٰ المواقع الإخبارية والبرامج الوثائقية وغيرها، فلعل في قرار مجمع فقهاء الشريعة بمؤتمره السادس بعض الجواب علىٰ هذا السؤال:

It is incumbent on us to avoid evil and temptation as much as possible. It is also important to browse only those websites that do not display indecent images or banners. There are usually alternatives; for instance, one can switch from one email provider to another for that very reason.

Sometimes a significant and legitimate benefit cannot be achieved without encountering some harm, such as inappropriate images that are found on news websites and in some beneficial documentaries. In this regard, I present to you the pertinent resolution of the sixth conference of the AMJA:

«سادساً: حول الانتفاع بالبرامج المرئية أو المسموعة النافعة التي قد تشوبها بعض المخالفات:

Sixthly: Regarding beneficial audio or video programs that may be tainted with some violations:

الأصل في المعازف المنع لكونها من المحرمات أو من المشتبهات علىٰ أدنىٰ تقدير، ويستثنىٰ من ذلك الدف في الأعراس ونحوها، ويرخص في الانتفاع بما أعده الآخرون من البرامج العلمية والوثائقية أو التاريخية الهادفة أو الأفلام الكرتونية النافعة بالنسبة للأطفال، وإن شابها شيء من المعازف التي لا تحرك الشهوات ولا تثير الغرائز، نظرًا لعموم البلوىٰ، وندرة البدائل المتاحة، وتفريقا بين السماع والاستماع، عندما لا تكون هذه الموسيقىٰ المصاحبة مقصودة في ذاتها، ولا يصيخ إليها المشاهد بسمعه، ولا يلقي لها بالًا، فهي أشبه بالفواصل الموسيقية في نشرات الأخبار التي اتفق السواد الأعظم علىٰ الترخص في سماعها ومشاهدتها، مع التنبيه علىٰ حكم المعازف وتقليلها ما أمكن».

The default in musical instruments is that they are unpermitted because they are of the prohibitions or doubtful matters at the very least. Exempted from that is the duff (tambourine) during weddings and the like. It is consented [permitted] to benefit with what others prepared of instructional programs, documentaries, and historical programs that serve a purpose, as well as beneficial cartoons with regard to children. If something taints it of instruments that don't incite lusts nor ignite desires, then considering the inability to avoid it (due to it being so widespread), the scarcity of available alternatives, the differentiation between hearing and listening since this music that accompanies (the program) was not intended to be heard in and of itself, nor does the onlooker lend it his ear, nor focuses on it, then it is resembling the musical intermissions in news broadcasts that the vast majority have agreed on consenting to listening to it and watching it — while calling attention to the ruling on instruments and minimizing it as much as possible. [End of AMJA resolution]

لا نرىٰ بأسًا بوجود الرجال والنساء في نفس الوقت داخل حلقة دراسية أو دعوية علىٰ الشبكة، والأمر في ذلك جائز في الحقيقة كما بيَّنَّا مع المباعدة المعقولة، فلأن يجوز علىٰ الشبكة أقرب. ولكن ذلك مشروط بالتزام الحضور بالأدب وعدم التفحش.

I do not see any harm in the coexistence of men and women inside a virtual classroom or a virtual meeting for some da'wah purpose. This would even be permissible in person as long as there was a reasonable distance between the sexes, so its permissibility online would be even more obvious. All of this would certainly be contingent

upon the attendees' observance of the proper Islamic etiquettes and absence of obscenity.

The meeting of a man and a woman alone in a virtual room should be limited to rare cases for a significant need, and it may not exceed the time required to realize that need. It is also impermissible for them to socialize or chat about matters not directly pertinent to the business at hand.

إن اجتماع رجل وامرأة وحدهما في إحدىٰ هذه الغرف الافتراضية لا ينبغي إلا في أضيق الحدود ولحاجة معتبرة ولا يتجاوز قدرها، ويلزمهما الانصراف فور انقضائها، ولا يجوز لهما التسامر وتبادل أطراف الحديث فيما لا تعلق له بعين الحاجة التي جمعتهما في تلك الغرفة.

All suspicious websites must be avoided, especially certain social networking websites. This particularly applies to young men and women. The evil of such websites is almost uncontainable, although we must add here that we ought to make the appropriate alternatives available. Having affirmed that, I must also add that those very sites may be a fertile land for da'wah and introducing Islam to others. Therefore, the callers to Islam may frequent them for that purpose, given that they feel safe from temptation.

ينبغي الحذر من المواقع المشبوهة وتجنب الشباب من الجنسين علىٰ وجه خاص مواقع التواصل الاجتماعي والتي لا يكاد ينحسم شرها. ولعله ينبغي توفير البدائل اللازمة، وهناك بالفعل جهود لعمل ذلك. بيد أن هذه المواقع قد تكون أرضًا خصبة للتعريف بالإسلام والدعوة إليه، فيسوغ للدعاة التردد عليها لهذا الغرض متىٰ أمنوا علىٰ أنفسهم.

Correspondence via email is just like correspondence via conventional letters. There is no justification for it between the opposite sexes without a genuine need. When such a need exists, the scope of the correspondence should be limited to related, pertinent issues. It

المراسلة الإلكترونية شأنها شأن المراسلة البريدية، وليس يسوغ أن يكون ثم تراسل من غير حاجة لا تقضىٰ بغيره بين رجل وامرأة أجنبية عنه. فمتىٰ كانت هناك حاجة لذلك روعي الالتزام في الكلام

should not drift into personal matters, such as inquiring about one's age; condition; place of work, study or residence; or the weather there.

بالقدر الذي تتحصل به تلك الحاجة وعدم التطرق إلىٰ المسائل الشخصية كالسؤال عن العمر والحال والطقس ومكان العمل والدراسة أو السكن.

Should the parents monitor their children's virtual communications?

هل يراقب الآباء مراسلات الأبناء؟

An important AMJA resolution regarding the supervision of youth's communications is as follows:

فائدة من قرارات مجمع فقهاء الشريعة بأمريكا في مؤتمره السادس حول الرقابة علىٰ مراسلات الناشئة:

Fifthly: Regarding the Supervision of the Youth's Communication(s):

خامسًا: حول الرقابة علىٰ مراسلات الناشئة

It is upon the parents and the educational and disciplinary institutions to make the youth aware of the rulings of interactions, relations, and communications amongst one another. It is important also that the relationship between the parents and children be based on a foundation of communication, openness, constant closeness, productive dialogue, giving advice and direction, and maintaining trust and good assumptions of the children. It is of the responsibilities of the parents to supervise the actions, relations, and communications of the youth that have yet to reach the age of responsibility in a wise and appropriate way. [End of AMJA Resolution]

«ينبغي للآباء والمؤسسات التربوية والتعليمية توعية الناشئة بأحكام التصرفات والعلاقات والمراسلات بين بعضهم البعض، وينبغي أن تكون العلاقة بين الآباء والأولاد قائمة علىٰ أساس من الانفتاح والتواصل والتقارب الدائم والتشاور وحسن التوجيه والإرشاد وتغليب الثقة وحسن الظن بالأولاد، ومن مسؤولية الآباء الرقابة علىٰ تصرفات وعلاقات ومراسلات الناشئة الذين لم يبلغوا سن التكليف بطريقة حكيمة ومناسبة».

لا يجوز استعمال الصوت حيث تكفي الكتابة وتؤدي الغرض المطلوب، أما الصورة فتجتنب بالكلية. فإن احتاجت المرأة لاستعمال الصوت، كما لو كانت في جامعة على الشبكة، وكانت تحضر حلقات الدرس الافتراضية، فما يقال من ضوابط في حديثها مع الرجال في السوق والطريق يقال هنا أيضًا.

If writing is sufficient, it is not permissible for members of the opposite sex to use voice-chatting. Video-chatting should be avoided completely. If a woman needs to use her voice, such as when she is in a virtual classroom or an online college, then whatever has been said about the guidelines of talking to men in the market or other public places will apply here as well.

أخيرًا: أرجو ألَّا يهون الشيطان من خطر تلك الفتن في أعيننا، أو يهول من قدرتنا على مقاومتها، فإن اللَّه ﷻ قد أمر أمهات المؤمنين ألا يخضعن بالقول فيطمع الذي في قلبه مرض، وهنَّ في الفضل من هنَّ، وفي خير الأزمنة والأمكنة. ولقد أخبرنا رسول اللَّه أن قومًا يأتون الدَّجال يظنون بأنفسهم الإيمان فينقلبون كفارًا. قال تعالى:

﴿ يَٰٓأَيُّهَا ٱلَّذِينَ ءَامَنُواْ ٱدۡخُلُواْ فِي ٱلسِّلۡمِ كَآفَّةٗ وَلَا تَتَّبِعُواْ خُطُوَٰتِ ٱلشَّيۡطَٰنِۚ إِنَّهُۥ لَكُمۡ عَدُوّٞ مُّبِينٞ ٢٠٨ ﴾ [البقرة: ٢٠٨]

Finally, I hope that Satan will neither trivialize the danger of these trials nor diminish our ability to resist them. Allah (ﷻ) ordained the Mothers of the Believers to refrain from speaking tenderly in order to avoid tempting those with sick hearts. That was said to the best of women, during the best of times and at the best of places. The Messenger of Allah (ﷺ) has also informed us about some people who will approach the false Messiah while thinking of themselves as believers, only to return in a state of unbelief. Allah (ﷻ) has said:

﴿O you who have believed, enter into Islam completely [and perfectly], and do not follow the footsteps of Satan. Indeed, he is to you a clear enemy.﴾ *(Qur'an 2: 208)*

Conclusion

خاتمة

We, the Muslims, need to appoint divine revelation as the superior judge in all our affairs; we must not put any other will before Allah's will, regardless of our personal preferences, our comfort level, or the traditions with which we have been raised.

إننا معاشر المسلمين ينبغي أن نجعل الوحي حكمًا علينا في كل أمورنا، فلا نقدم علىٰ مراد اللَّه مرادًا وإن كان هوىٰ النفس أو ما ترتاح إليه أو شَبَّتْ عليه. ولا ينبغي أن نرد كل جديد وارد حتىٰ نعرضه علىٰ الوحي لنعلم مخالفته له أو موافقته، فإن رسول اللَّه ﷺ المؤيَّد بالوحي رجع عن منع الغيلة لما رأىٰ عدم ضررها بأبناء الفرس والروم.

On the one hand, we should not reject every new piece of knowledge that we encounter until we have thoroughly checked it against the revelation to ascertain whether it complements it or contradicts it. Indeed, Allah's Messenger (ﷺ), who was aided by the revelation, changed his mind about prohibiting women from breastfeeding during pregnancy, after he learned that it had not harmed the children of Persia and Rome.

On the other hand, it is also not wise to rush to accept everything new, in the name of modernity, especially when every new thing that comes to us has been initiated by the non-Muslims, who differ from us in their basic principles of belief, action and ethical behavior. We should also ensure that we are not dazzled by everything that they possess just because they seem stronger and victorious. This is because neither material

وليس من الحكمة كذلك أن نسارع في قبول كل جديد، سيما إن كان واردًا إلينا من غيرنا ممن يخالفنا في أصول الاعتقاد والعمل والسلوك، ولا ننبهر بكل ما عند الآخر لكونه الغالب المنتصر، فليست القوة المادية ولا التطور العلمي، وإن كانا مما يحرص عليهما، مقياسًا للفلاح، ولا تتحقق بهما سعادة الدنيا ولا الآخرة، وإلا

wealth nor scientific advancement (even if they are both something to strive for) is a standard for success. Neither of them can bring happiness in this life or in the hereafter. If they had the potential to do so, then the Pharaohs, the people of 'Âd, or the people of Iram (who built such lofty pillars) would have deserved them more than Moses (ﷺ) and his companions, or even Muhammad (ﷺ) and his Companions.

لكان الفراعنة وقوم عاد وإرم ذات العماد أولىٰ به من موسىٰ عليه السلام وأصحابه، بل من محمد ﷺ وأصحابه.

The effects of disobeying and violating the injunctions of Allah (ﷻ) do not necessarily materialize within months or even years. If they did, everyone would be guided aright without the need for contemplating the revelation and submitting to it. However, it was Allah's will to give His slaves respite and time in order to test them and distinguish the bad from the good. Sin and corruption have been left like cavities to rot away at the base of the tree until it perishes. Fortunate is the one who takes warnings from the mistakes of others.

إن آثار العصيان ومخالفة سنن الرحمن لا يشترط أن تظهر علىٰ أصحابها في أشهر أو سنين، وإلا لاهتدىٰ للصواب كل أحد من غير حاجة لتدبر الوحي والتسليم له، ولكن شاء اللَّه أن يمهل العباد ليمتحنهم، فيميز الخبيث من الطيب، وتبقىٰ المعاصي والانحرافات كالسوس ينخر في أصل الشجرة حتىٰ يأتي عليها، والسعيد من وعظ بغيره.

I know very well that what I have mentioned is my own comprehension of the textual proofs as the people of knowledge have understood them. I hope that all of it is correct, even if it is more likely that I have unintentionally erred somewhere. Still, my hope in Allah's forgiveness has enabled me to dare to tread this rugged path. May

إنني أعلم أن ما ذكرت هو قراءة لي في نصوص الوحي حسبما فهمها أهل العلم، وأرجو أن تكون كلها صوابًا، وإن كان الأغلب أن في بعضها خطأً غير مقصود، ولكن طمعي في غفرانه جرأني علىٰ سلوك هذه الطريق الوعرة، فأرجو أن يمن عليّ به،

He grant me the straight path and not deprive me of reward for whatever I have written in these pages.

وألا يحرمني الأجر علىٰ ما جاء في هذه الورقات من الصواب.

All praise is due to Allah (ﷻ), and may blessings and peace be upon His Messenger (ﷺ).

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Bibliography المراجع

معجم المصطلحات والألفاظ الفقهية [كتاب]/ المؤلف محمود عبد الرحمن عبد المنعم. - القاهرة: دار الفضيلة، ١٤١٩ هـ. - الأولى.

'Abdul-Mun'em, Mahmood 'Abdur-Raḥmân. *Mu'ajjam al-Muṣṭalaḥât wal-Alfâdh al-Fiqhiyah*. Cairo: Dâr al-Faḍeelah, 1998.

سنن أبي داود [كتاب]/ المؤلف سليمان بن الأشعث أبو داود السجستاني الأزدي/ المحقق محمد محيي الدين عبد الحميد. - بيروت: دار الفكر.

Abu Dâwood, Sulaymân ibn al-Ash'ath as-Sijistâni. *Sunan Abi Dâwood*. Edited by Muḥammad Muḥyi ad-Deen 'Abdul-Ḥameed. Beirut: Dâr al-Fikr, n.d.

إرواء الغليل في تخريج أحاديث منار السبيل [كتاب]/ المؤلف محمد ناصر الدين الألباني. - بيروت ودمشق: المكتب الإسلامي، ١٣٩٩هـ - الأولى.

al-Albâni, Muḥammad Nâṣir ud-Deen. *Irwâ' al-Ghaleel*. Beirut/ Damascus: al-Maktab al-Islâmi, 1399 AH.

سلسلة الأحاديث الصحيحة وشيء من فقهها وفوائدها [كتاب]/ المؤلف محمد ناصر الدين الألباني. - الرياض: مكتبة المعارف، ١٤١٥هـ.

al-Albâni, Muḥammad Nâṣir ud-Deen. *Silsilat al-Aḥâdeeth aṣ-Ṣaḥeeḥah*. Riyadh: Maktabat al-Ma'ârif, 1995.

معرفة السنن والآثار عن الإمام أبي عبد الله محمد بن إدريس الشافعي [كتاب]/ المؤلف أبو بكر أحمد بن الحسين بن علي بن موسىٰ البيهقي الخسروجردي/ تحقيق: سيد كسروي حسن. - بيروت: دار الكتب العلمية.

al-Bayhaqi, Aḥmad ibn al-Ḥusayn. *Ma'rifat as-Sunan wal-Âthâr*. Beirut: Dâr al-Kutub al-'Ilmiyah, n.d.

سنن البيهقي الكبرىٰ [كتاب]/ المؤلف أحمد بن الحسين بن علي بن موسىٰ أبو بكر البيهقي/ المحقق محمد عبد القادر عطا. - مكة المكرمة: مكتبة دار الباز، ١٤١٤ هـ.

al-Bayhaqi, Aḥmad ibn al-Ḥusayn. *Sunan al-Bayhaqi al-Kubrâ*. Makkah: Dâr al-Bâz, 1414 AH.

كشاف القناع عن متن الإقناع [كتاب]/ المؤلف منصور بن يونس بن إدريس البهوتي/ تحقيق: هلال مصيلحي مصطفىٰ هلال. - بيروت: دار الفكر، ١٤٠٢ هـ.

al-Buhooti, Manṣour ibn Yoonus ibn Idrees. *Kash-shâf al-Qinâ'*. Edited by Hilâl Muṣeelḥi Muṣṭafâ Hilâl. Beirut: Dâr al-Fikr, 1402 AH.

الجامع الصحيح المختصر (صحيح البخاري) [كتاب]/ المؤلف محمد بن إسماعيل البخاري/ المحقق مصطفىٰ ديب البغا. - بيروت: دار ابن كثير واليمامة، ١٤٠٧ هـ. - الثالثة.

al-Bukhâri, Muḥammad ibn Ismâ'eel. *Ṣaḥeeḥ al-Bukhâri*. Edited by Muṣṭafâ Deeb al-Baghâ. Beirut: Dâr ibn Katheer wal-Yamâmah, 1987.

غمز عيون البصائر شرح كتاب الأشباه والنظائر (لزين العابدين ابن نجيم المصري) [كتاب]/ المؤلف أبو العباس شهاب الدين أحمد بن محمد مكي الحسيني الحموي الحنفي. بيروت: دار الكتب العلمية - ١٤٠٥هـ - ١٩٨٥م، الطبعة الأولىٰ.

al-Ḥamawi, Aḥmad ibn Muḥammad al-Ḥussayni. *Ghamz 'Uyown al-Baṣâ'ir*. Beirut: Dâr al-Kutub al-'Ilmiyah, 1985.

مواهب الجليل لشرح مختصر خليل [كتاب]/ المؤلف محمد بن عبد الرحمن المغربي (الحطاب)، أبو عبد الله. - بيروت: دار الفكر، ١٣٩٨ هـ.

al-Ḥaṭṭâb, Muḥammad ibn 'Abdul-Raḥman al-Maghrebi. *Mawâhib al-Jaleel*. Beirut: Dâr al-Fikr, 1398 AH.

الفتاوىٰ الفقهية الكبرىٰ [كتاب]/ المؤلف ابن حجر الهيتمي. - بيروت: دار الفكر.

al-Haytami, Ibn Ḥajar. *Al-Fatâwâ al-Fiqhiyah al-Kubrâ*. Beirut: Dâr al-Fikr, n.d.

التمهيد لما في الموطأ من المعاني والأسانيد. [كتاب]/ المؤلف أبو عمر يوسف بن عبد الله بن عبد البر النمري. المغرب: وزارة عموم الأوقاف والشؤون الإسلامية - ١٣٨٧، تحقيق مصطفى بن أحمد العلوي، محمد عبد الكبير البكري.

Ibn 'Abdul-Barr, Abu 'Umar Yoosuf ibn 'Abdullâh an-Namari. *At-Tamheed lima fil-Muwatta' min al-Ma'âni wal-Asâneed.* Edited by Muṣṭafâ ibn Aḥmad al-'Alawi and Muhammad 'Abdul-Kabeer al-Bakri. Morocco: Ministry of Endowments and Islamic Affairs, 1967.

مصنف ابن أبي شيبة (الكتاب المصنف في الأحاديث والآثار) [كتاب]/ المؤلف أبو بكر عبد الله بن محمد بن أبي شيبة الكوفي/ المحقق كمال يوسف الحوت. - الرياض: مكتبة الرشد، ١٤٠٩ - الأولى.

Ibn Abi Shaybah, Abu Bakr 'Abdullâh ibn Muḥammad al-Kufi. *Muṣannaf Ibn Abi Shaybah.* Riyadh: Maktabat ar-Rushd, 1409.

المدخل [كتاب]/ المؤلف أبو عبد الله محمد بن محمد بن محمد العبدري الفاسي المالكي الشهير بابن الحاج. -، بيروت : دار الفكر - ١٤٠١هـ - ١٩٨١م

Ibn al-Hâj, Abu 'Abdullâh Muḥammad ibn Muḥammad al-'Abdari. *Al-Madkhal.* Beirut: Dâr al-Fikr, 1981.

الدراية في تخريج أحاديث الهداية [كتاب]/ المؤلف أحمد بن علي بن حجر العسقلاني أبو الفضل/ تحقيق: السيد عبد الله هاشم اليماني المدني. - بيروت: دار المعرفة.

Ibn Hajar, Ahmad ibn 'Ali al-'Asqalâni. *Ad-Dirâyah fi Takhreej Ahâdeeth al-Hidâyah.* Beirut: Dâr al-Ma'rifah.

فتح الباري شرح صحيح البخاري [كتاب]/ المؤلف أحمد بن علي بن حجر العسقلاني/ المحقق محب الدين الخطيب. - بيروت: دار المعرفة.

Ibn Hajar, Aḥmad ibn 'Ali al-'Asqalâni. *Fatḥ al-Bâri Sharḥ Ṣaḥeeḥ al-Bukhâri.* Edited by Muhib ud-Deen al-Khaṭeeb. Beirut: Dâr al-Ma'rifah, n.d.

مسند الإمام أحمد بن حنبل [كتاب]/ المؤلف أحمد بن حنبل أبو عبدالله الشيباني. مصر: مؤسسة قرطبة.

Ibn Hambal, Abu 'Abdullâh Aḥmad ash-Shaybâni. *Musnad al-Imâm Aḥmad ibn Hanbal.* Egypt: Mu'sasah Qurṭubah, n.d.

شرح فتح القدير [كتاب]/ المؤلف كمال الدين محمد بن عبد الواحد السيواسي (ابن الهمام). - بيروت: دار الفكر. - الثانية.

Ibn al-Humâm, Kamâl ad-Deen Muḥammad ibn 'Abdul-Wâḥid as-Seewâsi. *Sharḥ Fatḥ al-Qadeer.* Beirut: Dâr al-Fikr, n.d.

سنن ابن ماجه [كتاب]/ المؤلف محمد بن يزيد أبو عبدالله القزويني. بيروت: دار الفكر - تحقيق: محمد فؤاد عبد الباقي.

Ibn Mâjah, Abu 'Abdullâh Muḥammad ibn Yazeed al-Qazweeni. *Sunan Ibn Mâjah.* Edited by Muḥammad Fu'âd 'Abdul-Bâqi. Beirut: Dâr al-Fikr, n.d.

إعلام الموقعين عن رب العالمين [كتاب]/ المؤلف محمد بن أبي بكر الزرعي (ابن القيم)/ المحقق طه عبد الرؤوف سعد. - بيروت: دار النشر ودار الجيل، ١٩٧٣ م.

Ibn al-Qayyim, Abu 'Abdullâh Shams ud-Deen Muḥammad ibn Abi Bakr. *I'lâm al-Muwaqi'een.* Beirut: Dar an-Nashr/ Dar al-Jeel, 1973.

الطرق الحكمية في السياسة الشرعية [كتاب]/ المؤلف أبو عبد الله شمس الدين محمد بن أبي بكر بن أيوب بن سعد الزرعي الدمشقي. القاهرة: مطبعة المدني - تحقيق: محمد جميل غازي.

Ibn al-Qayyim, Abu 'Abdullâh Shams ud-Deen Muḥammad ibn Abi Bakr. *Aṭ-Ṭuruq al-Ḥukmiyah fis-Siyâsat ash-Shar'eeah.* Edited by Muḥammad Jameel Ghâzi. Cairo: Maṭba'at al-Madani, n.d.

اقتضاء الصراط المستقيم مخالفة أصحاب الجحيم. [كتاب]/ المؤلف أحمد بن عبد الحليم ابن تيمية الحراني أبو العباس. القاهرة: مطبعة السنة المحمدية - ١٣٦٩، الطبعة الثانية. تحقيق: محمد حامد الفقي.

Ibn Taymiyah, Aḥmad ibn 'Abdul-Ḥaleem. *Iqtiḍâ' aṣ-Ṣirâṭ al-Mustaqeem Mukhâlafah Aṣ-ḥâb al-Jaḥeem.* Edited by Muḥammad Ḥâmid al-Fiqi. Cairo: Maṭba'at as-Sunnat al-Muḥammadiyah, 1950.

مجموع الفتاوىٰ - كتب ورسائل وفتاوىٰ شيخ الإسلام ابن تيمية [كتاب]/ المؤلف أحمد عبد الحليم بن تيمية الحراني أبو العباس/ تحقيق: عبد الرحمن بن محمد بن قاسم العاصمي النجدي. - القاهرة: مكتبة ابن تيمية، الثانية.

Ibn Taymiyah, Ahmad ibn 'Abdul-Haleem. *Majmoo' al-Fatâwâ*. Cairo: Maktabat Ibn Taymiyah.

بدائع الصنائع في ترتيب الشرائع [كتاب]/ المؤلف علاء الدين الكاساني. - بيروت: دار الكتاب العربي، ١٩٨٢ م.

al-Kâsâni, 'Alâ' ud-Deen. *Badâ'i' as-Sanâ'i'*. Beirut: Dâr al-Kitâb al-'Arabi, 1982.

المدونة الكبرىٰ [كتاب]/ المؤلف مالك بن أنس. - بيروت: دار صادر.

Mâlik ibn Anas, Abu 'Abdullâh al-Asbahi. *Al-Mudawwanat al-Kubrâ*. Beirut: Dâr Sâdir, n.d.

موطأ الإمام مالك [كتاب]/ المؤلف مالك بن أنس أبو عبدالله الأصبحي/ تحقيق: محمد فؤاد عبد الباقي. - القاهرة: دار إحياء التراث العربي.

Mâlik ibn Anas, Abu 'Abdullâh al-Asbahi. *Al-Muwatta'*. Cairo: Dâr Ihyâ' at-Turâth al-'Arabi.

الأسرار المرفوعة في الأخبار الموضوعة المعروف بالموضوعات الكبرىٰ [كتاب]/ المؤلف نور الدين علي بن محمد بن سلطان المشهور بالملا علي القاري / تحقيق: محمد الصباغ. - بيروت: دار الأمانة / مؤسسة الرسالة، ١٣٩١ هـ - ١٩٧١م.

Al-Mullâ, 'Ali al-Qâri. *Al-Asrâr al-Marfoo'ah fil-Akhbâr al-Mawdoo'ah*. Beirut: Dâr al-Amânah/Mu'assasat ar-Risâlah, 1391 AH/ 1971 CE.

صحيح مسلم [كتاب]/ المؤلف مسلم بن الحجاج القشيري النيسابوري/ المحقق محمد فؤاد عبد الباقي. - بيروت: دار إحياء التراث العربي.

Muslim, ibn al-Hajjâj an-Naysâboori. *Saheeh Muslim*. Edited by Muhammad Fu'âd 'Abdul-Bâqi. Beirut: Dâr Ihyâ' al-Turâth al-'Arabi, n.d.

المجموع شرح المهذب [كتاب]/ المؤلف يحيىٰ بن شرف النووي. - بيروت: دار الفكر، ١٩٩٧م.

an-Nawawi, Yahyâ ibn Sharaf. *Al-Majmoo' Sharh al-Muhadh-dhab*. Beirut: Dâr al-Fikr, 1997.

صحيح مسلم بشرح النووي [كتاب]/ المؤلف أبو زكريا يحيىٰ بن شرف بن مري النووي. بيروت : دار إحياء التراث العربي - ١٣٩٢، الطبعة الثانية.

an-Nawawi, Yahyâ ibn Sharaf. *Saheeh Muslim bi-Sharh an-Nawawi*. Beirut: Dâr Ihyâ' at-Turâth al-'Arabi, 1972.

Saheeh International. *The Qur'an: Arabic Text with Corresponding English Meanings*. Jeddah: Abul-Qasim Publishing House, 1997.

المصنف [كتاب]/ المؤلف عبد الرزاق بن همام الصنعاني، أبو بكر/ تحقيق: حبيب الرحمن الأعظمي. - بيروت: المكتب الإسلامي، ١٤٠٣ هـ.

as-San'âni, 'Abdur-Razzâq ibn Humâm. *Al-Musannaf 'Abdur-Razzâq*. Edited by Habeeb ar-Rahmân al-A'dhami. Beirut: al-Maktab al-Islâmi, 1983.

المبسوط [كتاب]/ المؤلف أبو بكر محمد بن أحمد بن أبي سهل السرخسي، شمس الأئمة. - بيروت: دار المعرفة.

as-Sarkhasi, Abu Bakr Muhammad ibn Ahmad. *Al-Mabsoot*. Beirut: Dâr al-Ma'rifah, n.d.

AMJA Resolutions Sixth Annual Conference, Montreal Dhul-Qa‘dah 9 - 13, 1430 AH October 28 - 31, 2009 CE

قرارات مجمع فقهاء الشريعة بأمريكا في مؤتمره السادس بمونتريال في الفترة من ٩ - ١٣ من شهر ذو القعدة ١٤٣٠هـ الموافق ٢٨ - ٣١ من شهر أكتوبر ٢٠٠٩م

Firstly: Regarding the intermixing between men and women:

أولاً: حول الاختلاط بين الرجال والنساء:

Intermixing is a concise expression. There is the permissible of it as well as the impermissible. Of this and that there is the agreed upon and of it is the differed over.

الاختلاط تعبير مجمل، منه ما يحل ومنه ما يحرم، ومن هذا وذاك ما هو متفق عليه، ومنه ما هو مختلف فيه

If what is intended by it is the basic gathering of men and women in open places to take part in shared acts of religion or worldly affairs - along with the consideration of the Sharia etiquettes of hijab, lowering the gaze, and organizing the gathering with what aids that, then there is no harm in it. Of this is the gathering of men and women in the open spaces to attend the two Eid prayers,

فإن قصد به مجرد اجتماع الرجال والنساء في أماكن مفتوحة لأداء عمل مشترك دينيًّا كان أو دنيويًّا، وروعيت فيه الآداب الشرعية من الحجاب وغض البصر ونحوه، ورتب المجلس بما يعين على ذلك، فلا حرج فيه، ومن ذلك اجتماع الرجال والنساء في الخلاء لشهود العيدين، وحول المشاعر في الحج، وفي مجالس

the rituals of Hajj, the open gatherings of knowledge whether they are in the mosque or elsewhere, and the going out of women to tend to their needs amidst the people. This is so alongside seeing that the women properly observe Hijab and they are distanced from men as best they can. Also, both parties are to observe reservation and the lowering of the gaze. Emphasis is made though on the importance of separating between the genders in the educational institutions, for this is more preserving of values, more distant from tribulation, more severing of means (towards promiscuity), and more prompting of the student of knowledge's mental focus. Some educational institutions in the West have even begun to realize this.

العلم المفتوحة سواء أكان ذلك في المسجد أم في غيره، وخروج النساء لقضاء حوائجهن في مجامع الناس، مع ملاحظة التزام النساء بالحجاب وكونهن متباعدات عن الرجال ما أمكن، والتزام الفريقين بالصيانة وغض البصر، ومع التأكيد على أهمية الفصل بين الجنسين في المؤسسات التعليمية، فإن هذا أحفظ للقيم، وأبعد للفتن، وأقطع للذرائع، وأدعى إلى اجتماع الذهن على طلب العلم، وقد بدأت تنتبه إلى ذلك بعض المؤسسات التعليمية في المجتمعات الغربية.

If what is intended by it is the mingling of the two parties and permeation of their ranks (by one another), then this is upon the default prohibition so long as no urgent necessity or strong need recognized by Sharia arises. Of these needs are those explicit in the texts, and of them are those that are deduced by qiyâs (i.e. juristic reasoning via analogy), and from them is what exists in wars, legal proceedings, medical treatments, and their like. This is so while keeping in mind that urgent necessities and strong needs are to be given their proper estimate.

* أما إن قصد به اختلاط الفريقين وتخلل صفوفهما فذلك على أصل المنع، ما لم تدع إليه ضرورة أو شدة حاجة شرعية معتبرة، ومن الحاجات ما هو منصوص عليه، ومنها ما هو مقيس عليها. ومن ذلك ما يكون في الحروب أو التقاضي أو التطبيب ونحوه، مع ملاحظة أن الضرورات والحاجات تقدر بقدرها.

In the case where intermixing is permissible due to an urgent necessity or strong need, there are guidelines that must be attended to in all cases. Of them are: lowering the gaze, avoiding immorality and informality, forbidding seclusion and bodily contact, preventing crowding, reserved conduct, concealing the 'awrah (i.e. body parts whose public visibility is forbidden in Sharia), and organizing the gathering in a manner that would aid in lowering the gaze as much as possible.

ومتىٰ كان الاختلاط مباحًا، لضرورة أو لحاجة معتبرة فإن هناك ضوابط ينبغي أن تراعىٰ في كل أحواله، ومنها: غض البصر، وتجنب الفحش والعبث، وتحريم الخلوة وتلامس الأبدان، ومنع التزاحم، والالتزام بالصيانة وستر العورات، وأن ترتب المجالس بما يعين علىٰ غض البصر ما أمكن.

Placing women in public gatherings as program introducers or hosts of the guests or the like isn't included among the acceptable needs, while there are in the gathering men that can assume these actions with the same degree of performance.

* ولا يندرج فيما يسوغ من المصالح والحاجات فرض الفتيات في المحافل العامة كمقدمات للبرامج أو مستقبلات للضيوف ونحوه، وفي المجلس من الشباب من يستطيعون أن يؤدوا هذه الأعمال بنفس المهنية والاقتدار.

Familial gatherings on shared, mixed tables for the sake of some social activity such as fundraising or a wedding dinner or its like isn't included among the acceptable needs.

* ولا يندرج فيما يسوغ من المصالح والحاجات جمع العوائل والأسر علىٰ موائد مشتركة مختلطة بمناسبة القيام ببعض الأنشطة الاجتماعية كجمع التبرعات أو وليمة عرس ونحوه

There are factors that affect the tightening and loosening (of rulings) around this subject. What appears from textual analysis and the actions of the salaf (the earliest generations of the righteous followers of Islam) is that intermixing

وهناك عوامل تؤثر في هذا الباب تضييقًا وتوسيعًا، فإن الذي يظهر من النظر في النصوص وعمل السلف أن أمر الاختلاط يختلف بحسب أعمار الرجال والنساء، والحاجة الداعية إليه، والمناخ

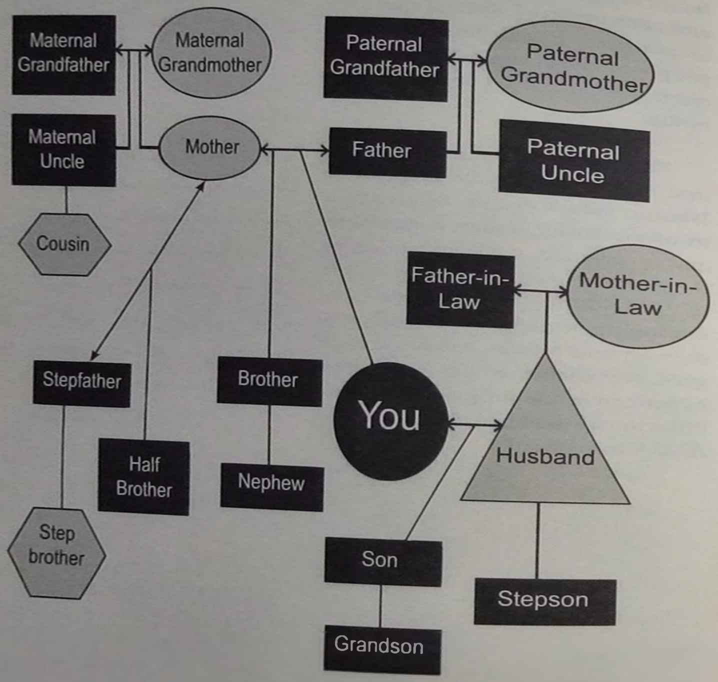
differs depending on the ages of the men and women, the need prompting it, and the atmosphere it is found in of tribulation or lack thereof. The determining factor in this is the weighing of the pros and cons involved, and it is upon those responsible to seek the verdict of the people of knowledge in their particular environment and act upon their fatwa in that.

الذي يوجد فيه من حيث وجود الفتنة وعدمها، والضابط في ذلك هو الموازنة بين المصالح والمفاسد، وعلىٰ المكلف في هذه الحالات أن يستفتي أهل العلم في الواقعة المعينة وأن يصدر عن فتواهم في ذلك

The prime stance in this issue is that it is mandatory to safeguard the Islamic values that the Sharia directs to of virtuosity, shame, concealment, and reservation, while acknowledging the need for men and women to share in the fields of good actions and cooperation upon righteousness and piety, da'wah and reform, and the like - to give precedence to the outweighing benefit over the imagined harm (i.e., fallaciously assumed danger). [End of AMJA resolution]

* وصفوة القول في ذلك أنه يجب الاحتياط للقيم الإسلامية التي دل عليها الشرع كالفضيلة والعفاف والستر والصيانة، مع مراعاة الحاجة إلىٰ اشتراك المرأة والرجل في مجالات فعل الخير والتعاون علىٰ البر والتقوىٰ، والدعوة والإصلاح، وفي مثل هذا تقدم المصلحة الراجحة علىٰ المفسدة المتوهمة.

Mahrams



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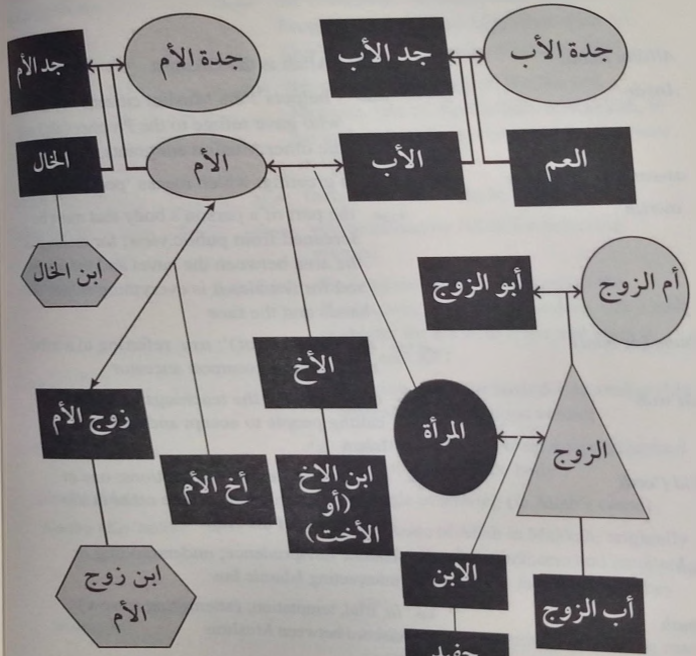


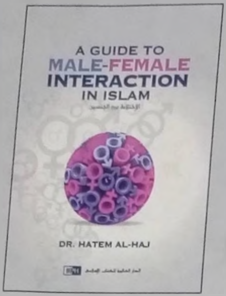
Glossary of Islamic Terms*

Allāhu akbar	الله أكبر	Allah is the Greatest
Anṣār	أنصار	'helpers': the Muslim citizens of Madinah who gave refuge to the Prophet (ﷺ) and the other Muslim emigrants from Makkah
as-salāmu 'alaykum	السلام عليكم	a greeting, which means 'peace'
'awrah	عورة	the part of a person's body that must be screened from public view; for males it is the area between the navel and the knees, and for females it is everything except the hands and the face
banu (or *bani*)	بنو، بني	*lit.* 'children (of)'; *usu.* referring to a tribe that claims a common ancestor
da'wah	دعوة	disseminating the teachings of Islam and calling people to accept and embrace Islam
Eid (*'eed*)	عيد	*lit.* festival; the two celebrations: one at the end of Ramadan and the other at the culmination of the Hajj
fiqh	فقه	Islamic jurisprudence; understanding or interpreting Islamic law
fitnah	فتنة	*lit.* trial, temptation; (attempting to sow) discord between Muslims

* The Arabic words are transliterated according to the conventions of the Transliteration Chart found in this book. If a word has become part of the English language (i.e., is found in a dictionary of Standard English), that spelling is used in this book and appears first in this Glossary, with the transliterated form in brackets after it.

hadith (*ḥadeeth*)	حديث	a statement or action of Prophet Muhammad (ﷺ) that was remembered and recorded by his Companions and followers
Hadith (*ḥadeeth*)	حديث	the collected statements and actions of Prophet Muhammad (ﷺ) that with the Qur'an form the basis of Islamic law
Hajj (*ḥajj*)	حج	the major pilgrimage to the Sacred Mosque, site of the Ka'bah at Makkah, to be undertaken by every able Muslim once in his/her lifetime
ḥarâm	حرام	forbidden according to Islamic law
hijab (*ḥijâb*)	حجاب	veil ordained by Allah for believing women
ḥijr Ismâ'eel	حجر إسماعيل	the crescent-shaped area next to the Kaaba, where Prophet Abraham (عليه السلام) built a shelter for his wife Ḥajar and his son Ismâ'eel (عليه السلام)
'illah	علة	effective cause (or basis for an analogy) in determining a religious verdict
izâr	إزار	a garment which is worn wrapped around the lower half of the body
jihad (*jihâd*)	جهاد	struggle or striving (in Allah's cause)
Kaaba (*Ka'bah*)	الكعبة	the House of Allah in Makkah, originally built by Prophets Ibrâheem and Ismâ'eel, and which Muslims face wherever they pray
maḥram	محرم	a degree of consanguinity precluding marriage; a man whom a woman may never marry due to the close blood or marriage relationship, e.g., father, brother, son, uncle, and father-in-law

mufti	مفتي	an Islamic scholar who is qualified to deliver formal legal verdicts which are based on the Qur'an and the Sunnah
qibla (qiblah)	القبلة	the bearing to the Kaaba from any point on Earth; the direction that all Muslims must face in prayer
qiyas	قياس	analogy: a method of deriving rulings in jurisprudence
Quraysh	قريش	the dominant tribe in Makkah at the time of the Prophet's mission; their society was based on polytheism
salaf	السلف	the pious predecessors: the earliest generations of the righteous followers of Islam
Sharia *(shari'ah)*	شرعة	Islamic law derived from the Qur'an and the Sunnah
subhan Allah	سبحان الله	glory be to Allah
Sunnah	سنّة	the practice and collected sayings of Prophet Muhammad (ﷺ) that together with the Qur'an forms the basis of Islamic law
tabi'oon (sg. tabi'i)	التابعون	'successors'; those who knew or met any of the Companions and transmitted hadiths from them
takbeer	تكبير	the act of saying *Allahu akbar*
tasleem(ah)	تسليم	the act of saying *as-salamu 'alaykum wa rahmat Allah* to end the prayer
tawaf	طواف	circumambulation of the Kaaba
Ummah	أمّة	community or nation: *usu.* used to refer to the entire global community of Muslims
'umrah	عمرة	a minor, non-obligatory pilgrimage to Makkah



Interaction between unrelated members of the opposite sex is inevitable at times, yet we need to know when it is permissible, to what extent, and what ethical guidelines should be observed.

Are men allowed to interact with female students, and vice versa, in a virtual classroom? Can a woman pursue a professional career that necessitates her interaction with men? Is it appropriate for a woman to serve her husband's guests? Do mixed wedding ceremonies comply with the Sharia?

In A Guide to Male-Female Interaction in Islam, Dr. Hatem al-Haj has taken a broad view of the subject, keeping in mind the opinions of scholars who have taken a stricter stance as well as those who are more flexible in their interpretation.

About the author

Dr. Hatem al-Haj is Dean of the College of Islamic Studies in English, Mishkah University, and a member of the Fatwa Committee of the Assembly of Muslim Jurists of America (AMJA). He holds a PhD in Comparative Fiqh and a Master's in Islamic Law. Dr. al-Haj's website, **www.drhatemalhaj.com**, is a useful resource for new Muslims, young Muslims, and Muslims living in non-Muslim societies.

الاختلاط مع أفرادٍ من الجنس الآخر من غير المحارم هو أمر لا مفرّ منه في بعض الأحيان. ولما امتنع أن يكون لا بد منه وممنوعًا في آن، كان لا بد من التساؤل عن الأحوال التي يكون فيها جائزًا وتلك التي يكون فيها ممنوعًا؛ ومتى كان جائزًا، فإلى أي حد، وما هي الآداب التي ينبغي أن تراعى؟

هل يسمح للطلاب الذكور بالتواصل مع الطالبات في قاعات الدرس الافتراضية؟ هل يجوز للنساء أن يعملن في مهنةٍ تقتضي اختلاطهن بالرجال؟ هل من الملائم للمرأة أن تقوم على خدمة ضيوف زوجها من الرجال؟ هل تتوافق حفلات الأعراس المختلطة مع الشريعة الإسلامية؟

في كتاب (الاختلاط بين الجنسين) يعالج الدكتور حاتم الحاج هذا الموضوع معالجة واسعة، معتمدًا على نصوص القرآن والسنة، وآخذًا بعين الاعتبار آراء الفريقين من العلماء المغلبين لجانب الحظر والمغلبين لجانب الإباحة.

لمحة عن المؤلف

الدكتور حاتم الحاج عميد كلية الدراسات الإسلامية باللغة الإنجليزية - جامعة مشكاة، وعضو لجنة الفتوى في «مجمع فقهاء الشريعة بأمريكا» AMJA. وهو حائز على دكتوراة في الفقه المقارن، وماجستير في الشريعة. للحصول على المزيد من المعلومات المفيدة عن الإسلام وعن مواضيع تهم شباب المسلمين خاصة، والمسلمين الجدد، والأقليات المسلمة، يمكنكم زيارة موقع الدكتور حاتم الحاج www.drhatemalhaj.com

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